

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND NINETEEN

H.P. 603 - L.D. 829

**Resolve, To Reestablish the Commission To Improve the Sentencing,  
Supervision, Management and Incarceration of Prisoners**

**Sec. 1. Commission established. Resolved:** That, notwithstanding Joint Rule 353, the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners, referred to in this section as "the commission," is established.

- 1. Commission membership.** The commission consists of 20 members as follows:
  - A. Two members of the Senate appointed by the President of the Senate;
  - B. Two members of the House of Representatives, at least one of whom is a sponsor or cosponsor of this legislation, appointed by the Speaker of the House of Representatives;
  - C. The Attorney General or the Attorney General's designee;
  - D. The Commissioner of Corrections or the commissioner's designee;
  - E. The Commissioner of Health and Human Services or the commissioner's designee;
  - F. The Director of Adult Community Corrections within the Department of Corrections or the director's designee;
  - G. Nine individuals appointed by the Governor:
    - (1) A representative of a statewide association of prosecutors nominated by the association;
    - (2) A representative of a statewide association of county commissioners nominated by the association;
    - (3) A representative of a statewide association of county sheriffs nominated by the association;
    - (4) A representative of a statewide association of criminal defense lawyers nominated by the association;

- (5) A representative of a statewide organization representing people with mental illness and their families;
- (6) A member of the public;
- (7) A representative of a statewide organization working to end domestic violence;
- (8) A representative of a statewide organization working to end sexual assault; and
- (9) A member of a federally recognized tribe in the State; and

H. The commission shall invite the Chief Justice of the Supreme Judicial Court to serve or name a designee to serve as a voting member of the commission and to appoint 2 trial judges or their designees to serve as voting members of the commission.

**2. Appointments; chair; meetings.** All appointments must be made no later than 30 days following the effective date of this resolve. The first-named Senate member is the Senate chair and the first-named House member is the House chair of the commission, who shall call and convene the first meeting of the commission no later than 30 days after appointments of all members. The commission may hold up to 6 meetings, which, at the discretion of the chairs, may include public hearings.

**3. Duties.** The duties of the commission are as follows.

A. The commission shall conduct research and prepare recommendations addressing the following goals:

- (1) Reducing the overall juvenile and adult prison population in both state and county facilities, with a focus on lowering the population of nonviolent prisoners;
- (2) Reducing the overall cost of the corrections system;
- (3) Accomplishing policy, program and structural improvements that reduce recidivism and improve the transition of prisoners back into the community;
- (4) Preserving community safety;
- (5) Respecting the needs of victims and communities in the process of holding prisoners accountable for their actions; and
- (6) Developing recommendations that address the factors leading to increasing juvenile and adult prisoner populations at both the county or regional jail and state prison levels, the impact of current sentencing laws, the use of alternate sentences and means to reduce recidivism, in particular recidivism caused by mental illness and substance use disorder.

B. To accomplish its purpose, the commission shall examine multiple strategies for addressing issues related to the continually and rapidly increasing prisoner populations at both the county or regional jail and state prison levels, including diversion from juvenile corrections, diversion from jail or prison, programming to improve reentry from jail or prison back to the community, community alternatives to

incarceration and changes in sentencing laws, policies and practices. In conducting its examination, the commission shall:

- (1) Study factors leading to increasing juvenile and adult prisoner populations in state and county correctional facilities; examine and analyze the prisoner population and projected growth at both the county or regional jail and state prison levels to include offenses, length of sentence and other issues, such as mental illness and substance use disorder, that lead to incarceration or reincarceration; and identify trends in the prisoner population and determine what impact these changes will have on future growth;
- (2) Examine factors linking juvenile and adult prisoner populations;
- (3) Review existing program and treatment levels for the prisoner population and recommend improvements based on projected need and effective programs supported by research; and
- (4) Consult with and seek input from former prisoners as well as from organizations advocating for persons with mental illness.

**4. Staff assistance.** The Department of Corrections shall provide necessary staffing services to the commission.

**5. Compensation.** The members of the commission who are Legislators are entitled to the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for necessary expenses incurred for their attendance at authorized meetings of the commission. Members of the commission who are not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses incurred for their attendance at authorized meetings.

**6. Report.** No later than December 4, 2019, the commission shall submit a report detailing its findings and recommendations, including any proposed legislation, to the Joint Standing Committee on Criminal Justice and Public Safety and to the Joint Standing Committee on Judiciary, each of which may report out legislation related to the report to the Second Regular Session of the 129th Legislature.