

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

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ONE HUNDRED AND NINTH LEGISLATURE

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**Legislative Document**

**No. 435**

H. P. 336

House of Representatives, February 8, 1979

Referred to the Committee on Joint Select Committee on Correctional Institutions. Sent up for concurrence and 1,800 ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Kany of Waterville.

Cosponsors: Mr. Drinkwater of Belfast, Mrs. Prescott of Hampden and Ms. Lund of Augusta.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

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**AN ACT to Create Incentives to Improve County Jails and the Correctional Systems.**

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

**Sec. 1.** 34 MRSA § 535, as enacted by P&SL 1975, c. 90, § I, is amended by adding at the end the following new sentence:

**The purpose of this chapter is also to improve county and municipal detention and correction facilities.**

**Sec. 2.** 34 MRSA § 536, as amended by PL 1977, c. 694, § 661, is repealed and the following enacted in its place:

**§ 536. Powers**

**1. General powers.** The department, through the Bureau of Corrections, may provide or assist in the provision of correctional services throughout the State and for that purpose may cooperate with persons, unincorporated associations, charitable nonstock corporations, municipalities and other governmental units and other state agencies. Correctional services programs may be developed, expanded or improved through the provision of direct service by the department

or through funding from the department to persons and other entities for the provision of the services relating to all facets of detention, rehabilitation and community life adjustment, including services to the courts, predelinquency services, diversionary services, detention prerelease and halfway house services, and after-care and post-release services.

2. **Service grants.** The department may make grants of funds to any person or entity to be used in the management and delivery of correctional services programs approved, or approved and supervised, by the department. When necessary to the provision of direct services under this chapter, the department, by contract, may purchase professional and other specialized services. Service grants under this subsection shall not be used for the construction of new facilities or for the reconstruction, renovation or expansion of any existing facilities, except that these funds may be used for minor renovations necessary to meet licensing requirements.

3. **Facility grants.** The department may make grants of funds eligible counties and municipalities to be used to build, maintain, operate or improve community correction centers or facilities for detention or confinement. In determining the grant recipients, the department shall consider the present condition of any centers or facilities, the population of the recipient's service area, the cost of the building, maintenance, operation or improvements, and the probability that the grant will bring the center or facility up to state licensing standards. The department shall make at least 3 grants a year under this subsection.

4. **Eligibility.** In order to be eligible for a grant under subsection 3, a municipality or county shall:

A. Meet the following requirements:

- (1) Have a population of at least 30,000;
- (2) Have entered into a cooperative agreement with other counties or municipalities to establish and maintain common centers or facilities; or
- (3) After a good faith effort, being unable to meet subparagraphs (1) and (2), but the grant will significantly improve the State's correctional capacities.

B. Establish a corrections advisory board to advise the cooperating counties or municipalities, with the board consisting of 18 to 20 members representing local law enforcement, prosecution, judiciary, education, corrections, ethnic minorities, social services and the general public, with at least 50% of the members representing municipal interests; and

C. Adopt a comprehensive corrections plan for the area included in the cooperative agreement, which shall identify the plans for the development and implementation of improvements in the correctional system, the necessary renovations or improvements in facilities or centers, the state standards which

have not been met, and centralized administration and control of correctional services in the area. Where a cooperative agreement includes both municipalities and counties, the comprehensive plan shall include the relationships between municipal and county correctional services and centers or facilities.

**5. Rules.** The department may promulgate and enforce rules and standards for the administration of all services and grants delivered and funded under this chapter. Prior to the promulgation of or any change in the rules and standards, the department shall hold a public hearing, of which at least 7 days' notice has been given in appropriate newspapers throughout the State. Any rules and standards may be adopted only after a public review period of 60 days following the public hearing. Notice of the public hearing shall be given pursuant to the provisions contained in the Maine Administrative Procedure Act, Title 5, section 8053.

**Sec. 3.** 34 MRSA § 537, last sentence, as enacted by P&SL 1975, c. 90, § I, is repealed and the following enacted in its place.

**The department may receive and use for the purposes of this chapter money appropriated by the State, grants from the United States Government and funds from any other sources.**

**Sec. 4. Appropriation.** The following funds shall be appropriated from the General Fund to carry out the purposes of this Act.

	<b>1979-80</b>	<b>1980-81</b>
MENTAL HEALTH AND CORRECTIONS,		
DEPARTMENT OF		
All Other	\$1,000,000	\$2,000,000

STATEMENT OF FACT

The bill establishes incentives to improve county and municipal correctional and detention facilities. It provides grants for improvements and renovations, but also encourages cooperative and comprehensive correctional planning and development.

This bill will be funded by a General Fund appropriation of \$3,000,000 for the biennium. In all probability, a large part, if not all, of this money will have to be spent anyway to upgrade county jails.