

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

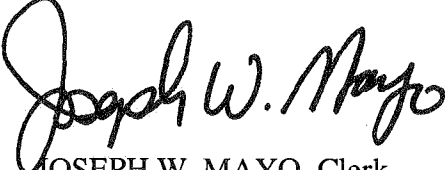
No. 725

H.P. 534

House of Representatives, February 4, 1997

An Act Requiring State Reimbursement for Certain Services Provided by Counties.

Reference to the Committee on Criminal Justice suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative SKOGLUND of St. George.
Cosponsored by Representatives: CHARTRAND of Rockland, PIEH of Bremen, SAVAGE of Union, VOLENIK of Brooklin.

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

2
4 **Sec. 1. 34-A MRSA §1210, sub-§2**, as amended by PL 1995, c.
665, Pt. MM, §§1 and 2 and affected by §3, is repealed and the
following enacted in its place:

6 **2. Reimbursement.** Except as provided in subsection 6-A,
8 the department shall, under this section, reimburse each county
10 quarterly for each actual day served at that county correctional
facility by:

12 A. Persons convicted of a Class A, Class B or Class C crime
14 sentenced after March 31, 1987 to serve a term of
imprisonment pursuant to Title 17-A, section 1203,
subsection 1 or section 1252, subsection 1; and

16 B. Persons convicted of a Class A, Class B or Class C crime
18 sentenced after December 31, 1988 to serve a term of
imprisonment pursuant to Title 17-A, section 1203,
20 subsection 1 or section 1252, subsection 1.

22 Reimbursement for periods after June 30, 1987 may not be
24 authorized until the reimbursable costs for the operations of the
jail are agreed upon by the commissioner and the county
26 commissioners for that county. Reimbursable costs for the
operations of the jail must, to the extent practicable, be
28 mutually agreed upon prior to the actual expenditures of funds
for those costs. Prior approval of all capital expenditures is
30 required for reimbursement of that expense item. If the
commissioner and the county commissioners are unable to agree
32 upon reimbursable costs, they shall jointly select an arbitrator
to determine those costs. The arbitrator's decision is final and
34 both the commissioner and the county commissioners are bound by
that decision.

36 Notwithstanding any other statutory provision, funds provided as
38 reimbursement to counties for housing state prisoners must be
used to reduce the assessment of each municipality within the
40 county for their due proportion of any county tax payable during
the municipal year for which municipal taxes are being raised.
42 County commissioners shall deduct from the total amount required
to be assessed for county purposes an amount equal to the amount
44 that the county commissioners estimate will be received pursuant
to this subsection.

46 **Sec. 2. 34-A MRSA §3261, sub-§1**, as repealed and replaced by
48 PL 1983, c. 581, §§38 and 59, is repealed and the following
enacted in its place:

50 **1. Duties of commissioner.** The commissioner shall:

2 A. Immediately notify the warden and the sheriff of the
 county in which the sentencing court is located; and

4 B. Reimburse counties for any transportation expense
 incurred pursuant to subsection 2.

6
8 **Sec. 3. Retroactivity.** Section 1 of this Act applies
 retroactively to July 1, 1993.

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SUMMARY

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14 This bill requires the Department of Corrections to
 reimburse counties for certain transportation costs. It also
16 requires the Department of Corrections to provide full
 reimbursement under the Community Corrections Act for fiscal
 years 1993-94, 1994-95, 1995-96 and 1996-97.

18

 This bill also corrects punctuation discrepancies.