

MAINE STATE LEGISLATURE

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R. 018

L.D. 1886

DATE: 2/10/06

(Filing No. H-754)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT 'A' to H.P. 1326, L.D. 1886, Bill, "An Act To Amend the Laws Pertaining to the Department of Corrections"

Amend the bill by inserting after the title and before the enacting clause the following:

'Emergency preamble. Whereas, acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, upon discovering that the Department of Corrections is in violation of state law by operating a commissary for the sale of food to clients and employees in correctional facilities and by providing meals to facility employees who eat such meals in the scope of their employment, the Legislature wishes to immediately remedy the violation; and

Whereas, the Legislature recognizes the necessity to authorize an exception to the general prohibition to the Department of Corrections because of its unique working environment; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

COMMITTEE AMENDMENT

2015

2 Further amend the bill by inserting after section 10 the
following:

4 'Sec. 11. 34-A MRSA §3012 is enacted to read:

6 §3012. Food and food supplies

8
10 1. Operation of commissary. Notwithstanding Title 5,
12 section 8-C, the chief administrative officer of a correctional
14 facility or detention facility may, subject to the approval of
the commissioner, permit the operation of a commissary for the
sale of food and food supplies to persons residing in the
facility and to facility employees.

16 2. Provision of meals to employees. Notwithstanding Title
18 5, section 8-C, the chief administrative officer of a
20 correctional facility or detention facility may, subject to the
22 approval of the commissioner, purchase meals for or otherwise
provide meals without charge to any facility employee who eats
such meals within the scope of employment and in so doing serves
a function of employment.'

24 Further amend the bill by inserting at the end before the
summary the following:

26 'Emergency clause. In view of the emergency cited in the
28 preamble, this Act takes effect when approved.'

30 Further amend the bill by relettering or renumbering any
32 nonconsecutive Part letter or section number to read
consecutively.

34 **SUMMARY**

36
38 This amendment creates an exception to a law that requires
40 the elimination of all commissary-type facilities operated by
42 state departments for the sale of food and food supplies to any
44 person. This amendment allows the Department of Corrections to
46 lawfully continue its long-time practice of operating a
48 commissary for the sale of food to clients and employees in
corrections facilities and clarifies that the chief
administrative officer of a correctional or detention facility
may, subject to the approval of the commissioner, purchase meals
for or otherwise provide meals without charge to any facility
employee who eats such meals within the scope of employment.

To remedy the department's unintended violation more
quickly, this amendment also makes the bill an emergency.

FISCAL NOTE REQUIRED
(See attached)



122nd MAINE LEGISLATURE

LD 1886

LR 3014(02)

An Act To Amend the Laws Pertaining to the Department of Corrections

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

The additional costs associated with this legislation can be absorbed by the Department of Corrections utilizing existing budgeted resources