

# MAINE STATE LEGISLATURE

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MAJORITY

L.D. 186

Date: 6/18/15

(Filing No. S-304)

CRIMINAL JUSTICE AND PUBLIC SAFETY

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

127TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 61, L.D. 186, Bill, "An Act To Reverse Jail Consolidation"

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

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

**Whereas,** for the continued stable and effective operation of the jails of this State, the transition from control by the State Board of Corrections to control by the sheriffs of the counties must occur on July 1, 2015; 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,'

Amend the bill by striking out all of section 2 and inserting the following:

**'Sec. 2. 4 MRSA §1057, sub-§3-A,** as amended by PL 2013, c. 598, §1, is further amended to read:

**3-A. Reimbursement to counties.** Monthly, the Treasurer of State shall transfer funds from the Government Operations Surcharge Fund to the ~~State Board of Corrections Operational Support Fund~~ County Jail Operations Fund program ~~for the purpose of supporting the operation of the jails~~ in an amount equal to 2% of the total fines, forfeitures and penalties, including the surcharge imposed pursuant to subsection 2-A, received by the Treasurer of State for deposit in the Government Operations Surcharge Fund. The balance remaining in the Government Operations Surcharge Fund at the end of each month must accrue to the General Fund. Funds collected and deposited each month to the Government Operations Surcharge Fund must be transferred on the last day of the month in which the collections are made to the ~~State Board of Corrections Operational Support Fund~~ County Jail Operations Fund program ~~under Title 34-A, section 1805.~~

**COMMITTEE AMENDMENT**

1 At the close of each month, the State Controller shall calculate the amount to be  
2 transferred to the ~~State Board of Corrections Operational Support Fund~~ County Jail  
3 Operations Fund program based on the collections made during the month. The State  
4 Controller shall transfer by journal entry the amount due to the ~~State Board of Corrections~~  
5 ~~Operational Support Fund~~ County Jail Operations Fund program. ~~This subsection takes~~  
6 ~~effect July 1, 2009.'~~

7 Amend the bill by striking out all of section 5 and inserting the following:

8 'Sec. 5. 14 MRSA §5545, 2nd ¶, as amended by PL 2007, c. 653, Pt. A, §4, is  
9 further amended to read:

10 Whenever, under this section or under any other section in this chapter, a court issues  
11 a writ of habeas corpus ordering before it a prisoner confined in any penal or correctional  
12 institution under the control of the ~~Department of Health and Human Services or the~~  
13 ~~Department of Corrections~~, or confined in any county jail, its order as to the  
14 transportation of the prisoner to and from the court must be directed to the sheriff of the  
15 county in which the court is located. It is the responsibility of the sheriff or any one or  
16 more of the sheriff's authorized deputies pursuant to any such order to safely transport a  
17 prisoner to and from the court and to provide safe and secure custody of the prisoner  
18 during the proceedings, as directed by the court. At the time of removal of a prisoner  
19 from an institution, the transporting officer shall leave with the head of the institution an  
20 attested copy of the order of the court, and upon return of the prisoner shall note that  
21 return on the copy. ~~This paragraph as it relates to the responsibility for transportation is~~  
22 ~~applicable to transfers from the county jail to any other county jail or to a state~~  
23 ~~correctional facility under Title 34-A, section 1405.'~~

24 Amend the bill by striking out all of section 8 and inserting the following:

25 'Sec. 8. 30-A MRSA §701, sub-§2, as repealed and replaced by PL 2009, c. 415,  
26 Pt. A, §14, is repealed and the following enacted in its place:

27 2. Preparation of estimates. In order to assess a county tax, the county  
28 commissioners, in accordance with the schedule established in the county charter or, if  
29 the county does not have a charter, by the end of the state fiscal year, shall prepare  
30 estimates of the sums necessary to pay the expenses that have accrued or may probably  
31 accrue for the coming year for correctional services. The estimates must be drawn so as to  
32 authorize the appropriations to be made for correctional services.'

33 Amend the bill by inserting after section 10 the following:

34 'Sec. 11. 30-A MRSA §701, sub-§2-C is enacted to read:

35 2-C. Tax assessment for correctional services beginning July 1, 2015. Beginning  
36 July 1, 2015, the counties shall annually collect no less than \$62,172,371 from  
37 municipalities for the provision of correctional services in accordance with this  
38 subsection. The counties may collect an amount that is more than the base assessment  
39 limit established in this subsection, except that the additional amount each year may not  
40 exceed the base assessment limit as adjusted by the growth limitation factor established in  
41 section 706-A, subsection 3 or 3%, whichever is less. For the purposes of this subsection,  
42 "correctional services" includes management services, personal services, contractual  
43 services, commodity purchases, capital expenditures and all other costs, or portions

1 thereof, necessary to maintain and operate correctional services. "Correctional services"  
2 does not include county jail debt unless there is a surplus in the account that pays for  
3 correctional services at the end of the state fiscal year.

4 The assessment to municipalities within each county may not be greater or less than the  
5 base assessment limit, which is:

6 A. A sum of \$4,287,340 in Androscoggin County;

7 B. A sum of \$2,316,666 in Aroostook County;

8 C. A sum of \$11,575,602 in Cumberland County;

9 D. A sum of \$1,621,201 in Franklin County;

10 E. A sum of \$1,670,136 in Hancock County;

11 F. A sum of \$5,588,343 in Kennebec County;

12 G. A sum of \$3,188,700 in Knox County;

13 H. A sum of \$2,657,105 in Lincoln County;

14 I. A sum of \$1,228,757 in Oxford County;

15 J. A sum of \$5,919,118 in Penobscot County;

16 K. A sum of \$878,940 in Piscataquis County;

17 L. A sum of \$2,657,105 in Sagadahoc County;

18 M. A sum of \$5,363,665 in Somerset County;

19 N. A sum of \$2,832,353 in Waldo County;

20 O. A sum of \$2,000,525 in Washington County; and

21 P. A sum of \$8,386,815 in York County.'

22 Amend the bill by striking out all of section 15 and inserting the following:

23 'Sec. 15. 30-A MRSA §1557-B is enacted to read:

24 **§1557-B. Transfer from a sending jail to a receiving jail**

25 **1. Transfer.** A sheriff may transfer a prisoner from a jail to another jail upon the  
26 request of the sheriff of the sending jail and the approval of the sheriff of the receiving  
27 jail. A sheriff may transfer a prisoner to a correctional facility upon the request of the  
28 sheriff of the sending jail and the approval of the Commissioner of Corrections.

29 **2. Transfer cost.** The county of the sending jail shall pay the cost of the transfer or  
30 return of the prisoner under subsection 1.

31 **3. Reimbursement.** Reimbursement for the support of a prisoner who is transferred  
32 by a sending jail to a receiving jail or the Department of Corrections is subject to the  
33 provisions of this subsection.

34 A. During a state fiscal year in which at least \$14,668,000 has been appropriated to  
35 the County Jail Operations Fund and disbursements have been made equal to that  
36 amount to the counties as required by Title 34-A, section 1210-D, the receiving jail or

1 the department may not charge the sending jail a per diem rate for the transferred  
2 prisoner.

3 B. During a state fiscal year in which less than \$14,668,000 has been appropriated to  
4 the County Jail Operations Fund or disbursements have not been made equal to that  
5 amount to the counties as required by Title 34-A, section 1210-D, the following  
6 provisions apply:

7 (1) The receiving jail may charge the sending jail a per diem rate for the  
8 transferred prisoner;

9 (2) The rate charged by the receiving jail must equal the per diem per prisoner  
10 amount calculated by the department in making the disbursement to the counties  
11 under Title 34-A, section 1210-D, subsection 4; and

12 (3) The department may charge the sending jail an amount that has been  
13 negotiated between the department and the jail that does not exceed \$108 per  
14 diem per prisoner.

15 C. The sending jail shall reimburse the receiving jail or the department for any costs  
16 incurred in the provision of extraordinary medical or surgical treatment for conditions  
17 of the prisoner that existed prior to transfer.

18 D. Payment amounts provided for in this subsection may be adjusted or dispensed  
19 with upon terms mutually agreeable to the sheriff of the sending jail and the sheriff of  
20 the receiving jail or the department.

21 4. Transferee subject to rules. A prisoner transferred under this section is subject  
22 to the general rules of the facility to which the prisoner is transferred, except that for a  
23 prisoner who has been sentenced:

24 A. The term of the original sentence remains the same unless altered by the court;

25 B. The prisoner becomes eligible for meritorious good time as provided in Title  
26 17-A, section 1253 for a prisoner sentenced to imprisonment in a county jail;

27 C. The prisoner becomes eligible for release and discharge as provided in Title 17-A,  
28 section 1254 for a prisoner sentenced to imprisonment in a county jail;

29 D. The prisoner is entitled to have the time served in the facility under this section  
30 deducted from the sentence; and

31 E. The prisoner becomes eligible for furloughs, work or other release programs,  
32 participation in public works and charitable projects and home-release monitoring as  
33 authorized by sections 1556, 1605, 1606 and 1659-A and may apply pursuant to the  
34 rules governing the sending jail.

35 5. Return of prisoner. A prisoner transferred pursuant to this section must be  
36 returned to the sending jail upon the request of the sheriff of the sending jail, the sheriff  
37 of the receiving jail or the Commissioner of Corrections.

38 6. Commissioner of Corrections to determine temporary housing assignments.  
39 If a county that does not have a jail, has a jail that is not fully certified or has a jail that is  
40 unfit for occupation is unable to locate space in any other county facility for an adult or

1 juvenile, the sheriff of that county may contact the Commissioner of Corrections for  
2 approval to obtain temporary housing in a correctional or detention facility operated by  
3 the Department of Corrections. The sheriff of the sending jail shall contact each other  
4 county facility in a continuing effort to locate placement in a county facility. When the  
5 sheriff of the sending jail locates available space in a county facility, the sheriff of the  
6 sending jail shall transfer the prisoner from the department's correctional or detention  
7 facility and place the prisoner in the county facility.'

8 Amend the bill by striking out all of sections 16 and 17 and inserting the following:

9 'Sec. 16. 30-A MRSA §1558-A is enacted to read:

10 **§1558-A. Transfer from state correctional facilities**

11 A sheriff may accept custody of a prisoner transferred to the sheriff's jail from state  
12 correctional facilities under Title 34-A, section 3063-C.'

13 Amend the bill by striking out all of sections 21 to 25 and inserting the following:

14 'Sec. 21. 30-A MRSA §1661 is enacted to read:

15 **§1661. Collaboration among counties**

16 A county may collaborate with another county or counties to seek grants or establish  
17 community corrections programs or initiatives.

18 Sec. 22. 34-A MRSA §1208-B is enacted to read:

19 **§1208-B. Standards, policies and procedures applicable to jails**

20 1. Establishment. The commissioner shall establish mandatory standards, policies  
21 and procedures for jails. The standards, policies and procedures must be established by  
22 rule and must be evidence-based and reflect best practices for the administration and  
23 operation of jails. The rules must include policies and procedures for assisting jails to  
24 achieve compliance and for imposing penalties for noncompliance.

25 A. The standards, policies and procedures must address record keeping and reporting  
26 of financial data, capital improvement planning, jail staffing, administration and  
27 management of prisoners, transfer of inmates, notification to prisoners of prohibition  
28 on contact with victims and other persons, pretrial assessments and services,  
29 evidence-based programming, literacy programs, mental health and substance abuse  
30 programs and correctional officer training.

31 B. In administering and distributing funding to the jails pursuant to section 1210-D,  
32 subsection 4, the commissioner shall:

33 (1) Require reporting of data that indicates average daily population of prisoners,  
34 that excludes federal prisoners, that indicates sending and receiving jails for  
35 transferred prisoners and that is useful in calculating the distributions to the  
36 counties pursuant to section 1201-D, subsection 4; and

37 (2) Consider the performance of each jail in meeting the standards established  
38 pursuant to this section. The commissioner shall work with the jails to assist  
39 them in achieving compliance with the standards. The commissioner shall

1 enforce the standards by imposition of monetary penalties upon a county for  
2 noncompliance by the county jail or regional jail. A monetary penalty imposed  
3 under this subsection may not in any fiscal year exceed the County Jail  
4 Operations Fund distribution payable to a county for a fiscal year pursuant to  
5 section 1210-D, subsection 4.

6 2. Rulemaking. Rules adopted pursuant to this section are routine technical rules as  
7 defined by Title 5, chapter 375, subchapter 2-A. Rules adopted pursuant to this section  
8 must take effect January 1, 2016.

9 **Sec. 23. 34-A MRSA §1210-D is enacted to read:**

10 **§1210-D. County Jail Operations Fund**

11 1. County Jail Operations Fund. Notwithstanding any provision of law to the  
12 contrary, at least \$14,668,000 in state funding must be appropriated annually and used for  
13 the purposes of the County Jail Operations Fund, as established pursuant to this section  
14 and referred to in this section as "the fund." The department shall administer the fund and  
15 shall distribute funds to the jails in accordance with this section for the purposes set forth  
16 in subsections 2 and 3.

17 2. Community corrections. The fund must be used for the purpose of establishing  
18 and maintaining community corrections. For purposes of this subsection, "community  
19 corrections" means the delivery of correctional services for adults in the least restrictive  
20 manner that ensures the public safety by the county or for the county under contract with  
21 a public or private entity. "Community corrections" includes, but is not limited to,  
22 preventive or diversionary correctional programs, pretrial release or conditional release  
23 programs, alternative sentencing or housing programs, electronic monitoring, residential  
24 treatment and halfway house programs, community correctional centers and temporary  
25 release programs from a facility for the detention or confinement of persons convicted of  
26 crimes. The following provisions apply to community corrections funding.

27 A. Thirty percent of the funds distributed to the counties under this section must be  
28 used for the purpose of community corrections.

29 B. The county treasurer shall deposit 30% of the funds received under subsection 4  
30 into an account for community corrections purposes.

31 C. Before distributing to a county that county's entire distribution under this section,  
32 the department shall require that county to submit appropriate documentation  
33 verifying that the county expended 30% of its prior distribution for the purpose of  
34 community corrections.

35 D. If a county fails to submit appropriate documentation verifying that the county  
36 expended 30% of its prior distribution for the purpose of community corrections  
37 under paragraph C, the department shall distribute to that county only 80% of its  
38 distribution. The department shall hold in escrow the 20% not distributed to a county  
39 to give the county jail an opportunity to comply with the requirement that 30% of the  
40 total distribution be used for community corrections purposes and qualify for  
41 disbursement of the withheld funds.

1       **3. Prisoner support.** The fund must be used to provide a portion of the counties'  
2 costs of the support of prisoners detained or sentenced to county jails. The following  
3 provisions apply to prisoner support funding.

4       A. Up to 70% of the funds distributed to a county under this section may be used for  
5 the purpose of support of prisoners detained or sentenced to county jails and for such  
6 other jail operations and correctional services purposes as the sheriff determines to be  
7 appropriate.

8       B. The county treasurer shall deposit 70% of the funds received under subsection 4  
9 into an account for prisoner support, jail operations and correctional services  
10 purposes.

11       **4. Formula; distribution.** The department shall establish by rule a formula for the  
12 distribution of funds from the fund to the counties for jail operations. Beginning July 1,  
13 2015 and annually thereafter, the department shall distribute to the counties from the fund  
14 amounts based on the formula. The formula must be based on the most recent fiscal year  
15 for which data is available and must:

16       A. Take into consideration total statewide county jail prisoner days for all jails;

17       B. Take into consideration and assign to a jail the number of county jail prisoner  
18 days attributable to each prisoner who was charged with committing a crime in that  
19 county or was committed to the custody of or detained by the sheriff of that county;

20       C. Determine the proportion of statewide county jail prisoner days attributable to  
21 each county;

22       D. Determine the per diem per prisoner reimbursement amount; and

23       E. Determine the reimbursement amount for each county based on the county's  
24 proportion of statewide county jail prisoner days multiplied by the per diem per  
25 prisoner rate.

26       Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,  
27 chapter 375, subchapter 2-A.

28       **5. Surcharge imposed.** In addition to the 14% surcharge collected pursuant to Title  
29 4, section 1057, an additional 1% surcharge must be added to every fine, forfeiture or  
30 penalty imposed by any court in this State, which, for the purposes of collection and  
31 collection procedures, is considered a part of the fine, forfeiture or penalty. All funds  
32 collected pursuant to this subsection are nonlapsing and must be deposited monthly in the  
33 fund.

34       **Sec. 24. 34-A MRSA §1402, sub-§§12 and 13** are enacted to read:

35       **12. County and regional jails.** The commissioner shall receive, administer and  
36 distribute to the county and regional jails funding provided through the General Fund,  
37 Other Special Revenue Funds and any federal and grant funds in accordance with section  
38 1210-D and Title 30-A, section 1659-A. The department shall make distributions as  
39 required by section 1210-D to each jail on a quarterly basis and as may be adjusted  
40 pursuant to section 1208-B, subsection 1, paragraph B.

1        **13. Report on jails.** Beginning January 15, 2016 and annually thereafter, the  
2        department, in collaboration with a statewide association of sheriffs and a statewide  
3        association of county commissioners, shall submit a report to the joint standing  
4        committee of the Legislature having jurisdiction over criminal justice and public safety  
5        matters on the mandatory standards, policies and procedures for jails adopted pursuant to  
6        section 1208-B and the status of funding for the jails from the County Jail Operations  
7        Fund established in section 1210-D, county taxes and other sources. The department and  
8        representatives of the associations shall conduct a review of the funding provided to  
9        county jails pursuant to subsection 12 and section 1210-D and the distribution formula  
10       established by the department pursuant to section 1210-D, subsection 4. If the  
11       department and the associations find that changes are needed to the distribution method  
12       or procedures or the level of General Fund support, the department shall report that  
13       finding to the joint standing committee of the Legislature having jurisdiction over  
14       criminal justice and public safety matters and shall recommend changes in the formula  
15       determined pursuant to section 1210-D, subsection 4 and the level of General Fund  
16       support. After reviewing the report, the joint standing committee is authorized to submit  
17       legislation to address issues raised by the report and to improve the funding and operation  
18       of the jails.'

19       Amend the bill by striking out all of sections 29 and 30 and inserting the following:

20       'Sec. 29. 34-A MRSA §3063-B and 3063-C are enacted to read:

21       **§3063-B. Transfer from jails**

22       The commissioner may accept custody of prisoners transferred to the department  
23       from county jails under Title 30-A, section 1557-B.

24       **§3063-C. Transfer to jails**

25       **1. Transfer of prisoner.** The commissioner may transfer a prisoner serving a  
26       sentence in a correctional facility to a county jail, upon the request of the chief  
27       administrative officer and the approval of the sheriff of the jail.

28       **2. Cost of transfer.** The department shall pay the cost of the transfer or the return of  
29       the prisoner.

30       **3. Reimbursement.** By agreement between the commissioner and the sheriff of the  
31       receiving jail pursuant to this section, the department shall pay directly to the jail  
32       reimbursement in accordance with this subsection.

33       A. During a state fiscal year in which at least \$14,668,000 has been appropriated to  
34       the County Jail Operations Fund and disbursements have been made equal to the  
35       amount appropriated to the counties as required by section 1210-D, the receiving jail  
36       may charge the department for the transferred prisoner a rate to be negotiated  
37       between the sheriff of the jail and the department that is no higher than \$25 per diem  
38       per prisoner.

39       B. During a state fiscal year in which less than \$14,668,000 has been appropriated to  
40       the County Jail Operations Fund or disbursements have not been made equal to that  
41       amount to the counties as required by section 1210-D, the receiving jail may charge  
42       the department for the transferred prisoner a rate to be negotiated between the sheriff

1 of the county jail and the department that is no higher than \$108 per diem per  
2 prisoner.

3 C. The department shall reimburse the receiving jail for any costs incurred in the  
4 provision of extraordinary medical or surgical treatment for conditions of the prisoner  
5 that existed prior to transfer.

6 D. Payment amounts provided for in this section may be adjusted or dispensed with  
7 upon terms mutually agreeable to the commissioner and the sheriff of the receiving  
8 jail.

9 **4. Transferee subject to rules.** A prisoner transferred under this section is subject  
10 to the general rules of the facility to which the prisoner is transferred, except that for a  
11 prisoner who has been sentenced:

12 A. The term of the original sentence remains the same unless altered by the court;

13 B. The prisoner becomes eligible for meritorious good time or deductions as  
14 provided in Title 17-A, section 1253 for a prisoner committed to the department;

15 C. The prisoner becomes eligible for release and discharge as provided in Title 17-A,  
16 section 1254 for a prisoner committed to the department;

17 D. The prisoner is entitled to have the time served in the jail under this section  
18 deducted from the sentence; and

19 E. The prisoner becomes eligible for furloughs, work or other release programs, and  
20 supervised community confinement as authorized by sections 3035 and 3036-A and  
21 may apply pursuant to the rules governing the correctional facility from which the  
22 prisoner was transferred.

23 **5. Return of prisoner.** A prisoner transferred pursuant to this section must be  
24 returned to the department upon the request of the commissioner or the sheriff.

25 **Sec. 30. Appropriations and allocations.** The following appropriations and  
26 allocations are made.

27 **CORRECTIONS, DEPARTMENT OF**

28 **County Jail Operations Fund N220**

29 Initiative: Transfers funds from the State Board of Corrections to the Department of  
30 Corrections.

31 **GENERAL FUND**

32 All Other

2015-16      2016-17  
\$12,202,104    \$12,202,104

33  
34 **GENERAL FUND TOTAL**

\$12,202,104    \$12,202,104

COMMITTEE AMENDMENT "A" to S.P. 61, L.D. 186

1	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2015-16</b>	<b>2016-17</b>
2	POSITIONS - LEGISLATIVE COUNT	2.000	2.000
3	Personal Services	\$225,881	\$228,505
4	All Other	\$565,503	\$565,503
5			
6	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$791,384</b>	<b>\$794,008</b>
7	<b>County Jail Operations Fund N220</b>		
8	Initiative: Provides additional funding for the County Jail Operations Fund.		
9	<b>GENERAL FUND</b>	<b>2015-16</b>	<b>2016-17</b>
10	All Other	\$2,465,896	\$2,465,896
11			
12	<b>GENERAL FUND TOTAL</b>	<b>\$2,465,896</b>	<b>\$2,465,896</b>
13	<b>CORRECTIONS, DEPARTMENT OF</b>		
14	<b>DEPARTMENT TOTALS</b>	<b>2015-16</b>	<b>2016-17</b>
15			
16	<b>GENERAL FUND</b>	<b>\$14,668,000</b>	<b>\$14,668,000</b>
17	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$791,384</b>	<b>\$794,008</b>
18			
19	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$15,459,384</b>	<b>\$15,462,008</b>
20	<b>CORRECTIONS, STATE BOARD OF</b>		
21	<b>State Board of Corrections Operational Support Fund Z087</b>		
22	Initiative: Transfers funds from the State Board of Corrections to the Department of		
23	Corrections.		
24	<b>GENERAL FUND</b>	<b>2015-16</b>	<b>2016-17</b>
25	All Other	(\$12,202,104)	(\$12,202,104)
26			
27	<b>GENERAL FUND TOTAL</b>	<b>(\$12,202,104)</b>	<b>(\$12,202,104)</b>
28	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2015-16</b>	<b>2016-17</b>
29	POSITIONS - LEGISLATIVE COUNT	(2.000)	(2.000)
30	Personal Services	(\$225,881)	(\$228,505)
31	All Other	(\$565,503)	(\$565,503)
32			
33	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$791,384)</b>	<b>(\$794,008)</b>

1	<b>CORRECTIONS, STATE BOARD OF</b>		
2	<b>DEPARTMENT TOTALS</b>	<b>2015-16</b>	<b>2016-17</b>
3			
4	<b>GENERAL FUND</b>	<b>(\$12,202,104)</b>	<b>(\$12,202,104)</b>
5	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>(\$791,384)</b>	<b>(\$794,008)</b>
6			
7	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>(\$12,993,488)</b>	<b>(\$12,996,112)</b>

8	<b>SECTION TOTALS</b>	<b>2015-16</b>	<b>2016-17</b>
9			
10	<b>GENERAL FUND</b>	<b>\$2,465,896</b>	<b>\$2,465,896</b>
11	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$0</b>	<b>\$0</b>
12			
13	<b>SECTION TOTAL - ALL FUNDS</b>	<b>\$2,465,896</b>	<b>\$2,465,896</b>

14 **Emergency clause.** In view of the emergency cited in the preamble, this  
15 legislation takes effect when approved.'

16 Amend the bill by relettering or renumbering any nonconsecutive Part letter or  
17 section number to read consecutively.

## 18 SUMMARY

19 This amendment is the majority report of the committee. The amendment retains the  
20 focus of the bill on restoring oversight and control of the county jails to the counties and  
21 does the following.

22 1. The amendment adds an emergency preamble and emergency clause to the bill.

23 2. The amendment allows limited growth in county tax assessments to support the  
24 operation of the jails.

25 3. The amendment provides a structure for boarding rates for prisoners transferred  
26 from a jail or correctional facility to another jail or correctional facility.

27 4. The amendment establishes at \$14,668,000 the amount of state funding to be  
28 provided to the jails through the County Jail Operations Fund, which the amendment  
29 establishes, and requires jails to report census data to the Department of Corrections to  
30 facilitate the distribution of funding to the jails.

31 5. The amendment sets at 30% the amount of funding from the County Jail  
32 Operations Fund that must be spent on community corrections and sets at 70% the  
33 amount that must be available for the support of prisoners detained or sentenced to county  
34 jails.

35 6. The amendment requires the Commissioner of Corrections to adopt rules to  
36 establish mandatory standards, policies and procedures for the jails, including rules on  
37 reporting daily census data, and requires the commissioner to work with the jails to assist  
38 them in achieving compliance and to impose monetary penalties for noncompliance.

COMMITTEE AMENDMENT "A" to S.P. 61, L.D. 186

1       7. The amendment requires the Commissioner of Corrections to receive, administer  
2 and distribute on a quarterly basis funding for the jails.

3       8. The amendment requires the Department of Corrections, in collaboration with  
4 statewide associations of sheriffs and county commissioners, to annually submit a report  
5 to the joint standing committee of the Legislature having jurisdiction over criminal justice  
6 and public safety matters on the mandatory standards, policies and procedures for jails,  
7 the status of funding for the jails and any need for adjustments to the distribution formula  
8 that provides funding to the jails. The amendment authorizes the joint standing  
9 committee to submit legislation to address issues raised by the report and to improve the  
10 funding and operation of the jails.

11       9. The amendment also adds an appropriations and allocations section.

12                               **FISCAL NOTE REQUIRED**

13                               **(See attached)**

**127th MAINE LEGISLATURE****LD 186****LR 378(02)****An Act To Reverse Jail Consolidation****Fiscal Note for Bill as Amended by Committee Amendment "A"(S-304)****Committee: Criminal Justice and Public Safety****Fiscal Note Required: Yes**

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**Fiscal Note**

	<b>FY 2015-16</b>	<b>FY 2016-17</b>	<b>Projections FY 2017-18</b>	<b>Projections FY 2018-19</b>
<b>Net Cost (Savings)</b>				
General Fund	\$2,465,896	\$2,465,896	\$2,465,896	\$2,465,896
<b>Appropriations/Allocations</b>				
General Fund	\$2,465,896	\$2,465,896	\$2,465,896	\$2,465,896
Other Special Revenue Funds	\$0	\$0	\$0	\$0

**Fiscal Detail and Notes**

The bill includes allocations to reflect transfer of the funding in the enacted version of the 2016-2017 biennial budget for the State Board of Corrections to the Department of Corrections, County Jail Operations Fund. It also provides a General Fund appropriation of \$2,465,896 beginning in fiscal year 2015-16 to increase the amount of funds available for the county and multicounty jails.

The Department of Corrections has also indicated a need for General Fund appropriations of \$625,516 in fiscal year 2015-16 and \$614,479 in fiscal year 2016-17 and for Financial and Personnel Services Fund allocations of \$201,588 in fiscal year 2015-16 and \$199,914 in fiscal year 2016-17 to support additional staff and related costs associated with returning the operation of county and multicounty jails to the Department of Corrections. This bill does not include these amounts.