

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND SIXTH LEGISLATURE

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Legislative Document

No. 1612

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H. P. 1241

House of Representatives, March 26, 1973

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Whitzell of Gardiner

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-THREE

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### AN ACT Relating to Inspection of Jails.

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

**R. S., T. 34, § 3, amended.** The first paragraph and the 2nd and 3rd paragraphs, as amended, of section 3 of Title 34 of the Revised Statutes are further amended to read as follows:

The department may make frequent inspections of all county and municipal jails, lock-ups and holding facilities and shall inspect all ~~county jails such jails and facilities~~ at least twice in each year and report annually, before December 1st, to the Governor and Executive Council in respect to conditions of said facilities and jails.

The commissioner shall establish standards for all county and municipal jails, lock-ups and holding facilities. Such standards shall approximate, insofar as possible, those established by the Inspector of Jails, Federal Bureau of Prisons.

Failure on the part of ~~the~~ county commissioners or municipal officials to maintain standards established under this section, discovered during any jail inspection conducted under this section, shall be reported by the commissioner in writing to the county commissioners or municipal officers of the county or municipality in which such jail, lock-up or holding facility is located, specifying deficiencies and departures from such standards and ordering their correction. It shall be the responsibility of the county commissioners or municipal officials to cause such deficiencies to be corrected and such standards to be restored, within 6 months from the receipt of the report and order of the commissioner. For failure of the county commissioners or

**municipal officials** to comply with such order, the commissioner may order the county **or municipal jail, lock-up or holding facility** to be closed and the prisoners transferred to the nearest county **or municipal jail or jails, lock-ups or holding facilities** meeting the prescribed standards and having available room for prisoners. The cost of transfer, support and return of such prisoners shall be paid by the county **or municipality** from whose jail, **lock-up or holding facility** the prisoners are transferred as provided in this section for other transfers. The commissioner may contract with any qualified person to serve as consultant to the department for the purpose of inspections under this section and to inspect the county **or municipal jails, lock-ups or holding facilities**, and any law to the contrary notwithstanding, such qualified person may be an officer or employee of the department.

#### STATEMENT OF FACT

This legislation would provide for the inspection of municipal jails, lock-ups and holding facilities by the Department of Mental Health and Corrections. The department presently examines county jails and at the present time there is no resource for inspecting or evaluating the effectiveness of lock-ups that are used prior to or in addition to county jails.