

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 102

H. P. 105

House of Representatives, January 7, 1975

Referred to the Committee on Appropriations and Financial Affairs. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Gray of Rockland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT to Provide State Reimbursement of Costs for Prosecuting State Prisoners.

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

Sec. 1. 34 MRSA, § 527, 4th ¶, as repealed and replaced by PL 1973, c. 381, is further amended by adding a new sentence at the end to read:

In any such case the costs and expenses, including the costs and expenses for apprehension, transportation and prosecution of the inmate or prisoner, shall be paid by the State. The costs and expenses shall, in the first instance, be paid by the county, and the State shall reimburse the county for such costs and expenses, on presentation to the Commissioner of Mental Health and Corrections of a fully itemized statement.

Sec. 2. 34 MRSA, § 710, as last amended by PL 1973, c. 647, is further amended by adding a new sentence at the end to read:

In any such case the costs and expenses, including the costs and expenses for apprehension, transportation and prosecution of the inmate or prisoner, shall be paid by the State. The costs and expenses shall, in the first instance, be paid by the county, and the State shall reimburse the county for such costs and expenses, on presentation to the Commissioner of Mental Health and Corrections of a fully itemized statement.

Sec. 3. 34 MRSA, § 710-B, is enacted to read:

§ 710-B. Expense of trial for crime committed by inmate or prisoner

Whenever any inmate or prisoner of the State Prison shall be convicted of any misdemeanor or felony committed while an inmate or prisoner of the

State Prison, the costs and expenses of trying such prisoner, including the costs and expenses for transportation, and maintenance in a county jail prior to conviction, shall be paid by the State. If an inmate or prisoner is sentenced to a county jail for such offense, maintenance after conviction shall also be paid by the State. The costs and expenses shall, in the first instance, be paid by the county, and the State shall reimburse the county for such costs and expenses, on presentation to the Commissioner of Mental Health and Corrections of a fully itemized statement.

Sec. 4. 34 MRSA, § 807, first ¶, as amended by PL 1973, c. 567, § 20, is further amended by adding a new sentence at the end to read:

In any such case the costs and expenses, including the costs and expenses for apprehension, transportation and prosecution of the inmate or prisoner, shall be paid by the State. The costs and expenses shall, in the first instance be paid by the county, and the State shall reimburse the county for such costs and expenses, on presentation to the Commissioner of Mental Health and Corrections of a fully itemized statement.

Sec. 5. 34 MRSA, § 807-A, is enacted to read:

§ 807-A. Reimbursement of county expense

Whenever any inmate or prisoner of the center shall be convicted of any misdemeanor or felony committed while an inmate or prisoner of the center, the costs and expenses of trying such prisoner, including the costs and expenses for transportation and maintenance in a county jail prior to conviction shall be paid by the State. If an inmate or prisoner is sentenced to a county jail for such offense, maintenance after conviction shall also be paid by the State. The costs and expenses shall, in the first instance, be paid by the county and the State shall reimburse the county for such costs and expenses, on presentation to the Commissioner of Mental Health and Corrections of a fully itemized statement.

Sec. 6. 34 MRSA, § 859, last sentence, as enacted by PL 1967, c. 391, § 20, is repealed and the following enacted in place thereof:

In any such case, the costs and expenses, including the costs and expenses for apprehension, transportation and prosecution of the inmate or prisoner, shall be paid by the State. The costs and expenses shall, in the first instance be paid by the county and the State shall reimburse the county for such costs and expenses, on presentation to the Commissioner of Mental Health and Corrections of a fully itemized statement.

Sec. 7. 34 MRSA, § 860, as last amended by PL 1967, c. 391, § 22, is repealed and the following enacted in place thereof:

§ 860. Expense of trial for crime committed by inmate or prisoner

Whenever any inmate or prisoner of the center shall be convicted of any misdemeanor or felony committed while an inmate or prisoner of the center, the costs and expenses of trying such prisoner, including the costs and expenses for transportation and maintenance in a county jail prior to conviction shall be paid by the State. If an inmate or prisoner is sentenced to a county

jail for such offense, maintenance after conviction shall also be paid by the State. The costs and expenses shall, in the first instance, be paid by the county, and the State shall reimburse the county for such costs and expenses, on presentation to the Commissioner of Mental Health and Corrections of a fully itemized statement.

Sec. 8. Appropriation. There is appropriated from the General Fund to the Department of Mental Health and Corrections the sum of \$28,000 to carry out the purposes of this Act. The breakdown shall be as follows:

	1975-76	1976-77
MENTAL HEALTH AND CORRECTIONS.		
DEPARTMENT OF		
All Other	\$14,000	\$14,000

FISCAL NOTE

The \$28,000 will be used to reimburse the counties for the costs and expenses of apprehension, transportation and prosecution of escapees.

STATEMENT OF FACT

It is the intention of this Act to provide for state reimbursement of the costs and expenses related to prosecuting prisoners or inmates of state penal institutions that are convicted of misdemeanors or felonies committed while an inmate or prisoner. This Act will eliminate the undue burden on counties in which the state's penal institutions are located, and require the State to pay for the prosecution of its wards.