

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

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Legislative Document

No. 119

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H. P. 90

House of Representatives, January 8, 1975

Referred to the Committee on Local and County Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. MacEachern of Lincoln.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FIVE

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AN ACT Relating to Inspection of Municipal Lockups and Jails.

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

34 MRSA, § 3, first 3 paragraphs, as last amended by PL 1969, c. 258, are further amended to read:

The department may make frequent inspections of all county and municipal jails, lockups 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 the conditions of said facilities and jails.

The commissioner shall establish standards for all county and municipal jails, lockups 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, lockup 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, lockup or holding facility to be closed and the prisoners trans-

ferred to the nearest county or municipal jail or jails, lockups 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, lockup 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, lockups 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 regular inspection of municipal jails, lockups and holding facilities by the Department of Mental Health and Corrections. The department now examines county jails but at the present time there is no authority for inspecting or evaluating the effectiveness of municipal lockups that are used prior to or in addition to county jails.