

MAINE STATE LEGISLATURE

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(EMERGENCY)
FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1172

H. P. 1012

House of Representatives, March 16, 1979

Reported by Mrs. Prescott of Hampden, from the Committee on Health and Institutional Services. Pursuant to H. P. 2168 and printed under Joint Rules No. 17.

Filed by the Joint Standing Committee on Health & Institutional Services pursuant to House Paper 2168.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Provide Funds to County Jails to Enable them to Meet Mandated Standards.

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

Whereas, the Joint Standing Committee on Health and Institutional Services has studied the county jail system in Maine for the past few months; and

Whereas, the committee has become aware of the crisis situation in the county jails, caused by overcrowding, mixing of sentenced and detained persons and the violation of state standards which has resulted in the closing of several jails and has reduced others to holding facilities; and

Whereas, there is a liability incurred by those responsible for jails which do not meet state standards; and

Whereas, the state facilities are overcrowded and looking to county jails for assistance in housing prisoners; 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,

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

Sec. 1. 34 MRSA § 538 is enacted to read:

§ 538. County jail assistance program

1. Purpose. The purpose of this section is to provide assistance, in the form of a state grant of not more than 30% of the expected costs, to counties in the State to bring their county jails up to state standards. Funds disbursed to the counties may be used for capital improvements, personal services or other purposes necessary to ensure compliance with standards, provided that each county jail shall not receive an amount greater than 30% of the costs and shall contribute 70%.

2. Corrections advisory board.

A. Each county intending to apply for a grant shall establish a corrections advisory board as soon as possible after the enactment of this section and in no case later than September 1, 1979.

B. The board shall be composed of 15 members representative of law enforcement and corrections, social services, municipal officials and the general public, chosen as follows:

(1) The 2 law enforcement representatives shall be:

(a) The sheriff or his designee; and

(b) The chief of police or chief law enforcement officer of the largest municipality within the county, or his designee;

(2) The prosecution representative shall be the district attorney, or his designee;

(3) The judiciary representative shall be a judge of the district court of the county or his designee;

(4) The education representative shall be an educator appointed by the board of county commissioners of the county;

(5) A probation officer shall be appointed by the Commissioner of Mental Health and Corrections;

(6) The board of county commissioners of the county shall appoint 2 additional members who are not county commissioners;

(7) The social-service provider shall be appointed by the Commissioner of Human Services;

(8) The 2 municipal officials shall be selected by the municipal officials of the county;

(9) The remaining 4 public members shall be appointed by the Governor; and

(10) As much as possible, the 6 members appointed in accordance with subparagraphs (6) and (9) shall be representative of one or more of the following:

- (a) Parole officers;
- (b) Public or private social service agencies;
- (c) Ex-offenders;
- (d) The health care professions; and
- (e) The general public.

3. Application for grant; disbursement.

A. The board shall adopt a comprehensive plan for bringing the county jail up to the state-mandated standards or, if the facility is already in compliance, to correct deficiencies which are likely to result in later violations of state standards and shall then present the plan to the county commissioners. The plan shall indicate that the county will maintain at least the same level of effort in operation of their jail.

B. The county commissioners shall then present their plan, amended if necessary, to the Bureau of Corrections, by April 15th.

C. The state jail inspector shall make an inspection of the facility, separate from the required annual inspection, for the purpose of determining existing conditions and evaluating the planned corrective measures. He shall then make a report to the Director of the Bureau of Corrections.

D. The Commissioner of Mental Health and Corrections, after consultation with the Director of the Bureau of Corrections and the Maine Correctional Advisory Commission, shall announce the fiscal awards to the counties each year on July 1st, for that fiscal year.

Sec. 2. Appropriation. The following funds shall be appropriated from the General Fund to carry out the purposes of this Act.

1980-81

MENTAL HEALTH AND CORRECTIONS,
DEPARTMENT OF

All Other

\$900,000

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

This bill provides state funds to counties to enable them to bring their county jails up to standards mandated by the State for their safe and constitutional

operation. Many county jails are currently closed, placing a burden on those which are open and not distributing the burden equally on all counties. Since the Bureau of Corrections would determine the size of awards based on the total amount of funds available and the severity of the situation in each county, there would be an incentive for the counties to analyze their situation carefully with the assistance of the board and to commit funds from their own county budgets. Because of the current crowding and danger of closing county jails which are in violation of state standards, there is an emergency clause in this bill.