

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 2025

7
8 H.P. 1434

House of Representatives, February 13, 1986

9 Submitted by the Department of Corrections pursuant to Joint Rule 24.
10 Reference to the Committee on Judiciary suggested and ordered printed.

EDWIN H. PERT, Clerk

11 Presented by Representative Manning of Portland.

Cosponsored by Senator Chalmers of Knox, Representative Paradis of
12 Augusta and Senator Gauvreau of Androscoggin.

13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-SIX
17

18 AN ACT to Authorize the Creation of Detention
19 Districts.
20

21 **Emergency preamble.** Whereas, Acts of the Legis-
22 lature do not become effective until 90 days after
23 adjournment unless enacted as emergencies; and

24 Whereas, there is no statutory authority which
25 permits counties to combine to jointly operate cor-
26 rectional facilities and services; and

27 Whereas, joint operation of correctional facili-
28 ties and services can promote effectiveness and cost
29 efficiencies at a time when considerations of cost
30 alone make it increasingly difficult to operate cer-
31 tain county corrections programs in a manner which
32 complies with state jail standards; and

33 Whereas, certain counties have expressed the de-
34 sire to realize these economies and efficiencies by

1 joint efforts to serve certain classes of offenders;
2 and

3 Whereas, in the judgment of the Legislature,
4 these facts create an emergency within the meaning of
5 the Constitution of Maine and require the following
6 legislation as immediately necessary for the preser-
7 vation of the public peace, health and safety; now,
8 therefore,

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

11 30 MRSA §1124-A is enacted to read:

12 §1124-A. Detention district

13 1. Authority. Two or more counties may create a
14 detention district.

15 2. Definition. "Detention district" means an in-
16 dependent governmental entity which exists for the
17 purpose of providing care and custody for persons
18 lawfully detained.

19 3. Powers of detention district. A detention
20 district shall possess all of the powers and have all
21 of the duties and obligations of a county with re-
22 spect to the operation of a county jail and the de-
23 tention of persons detained there.

24 4. Formation. The counties which create a deten-
25 tion district shall jointly issue a charter to the
26 district. The charter shall be approved by a majority
27 of the commissioners of each county creating the dis-
28 tricts. The charter shall specify the governance
29 mechanism for the detention district and shall pro-
30 vide for the manner in which property may be ac-
31 quired, held and disposed of. The charter shall spec-
32 ify the manner in which income may be received and
33 disbursements made and shall specify the pro rata
34 share of each member county if the detention district
35 is unable to meet its duties and obligations.

36 5. Use of facilities. A detention district may
37 own, rent, lease or accept use without charge of fa-

1 cilities. It may accept funding from any source not
2 otherwise prohibited by law. The facilities shall be
3 used to provide for the detention of persons lawfully
4 detained. A facility operated by a detention district
5 shall be subject to all of the requirements of a
6 county jail and a person detained at such a facility
7 shall be deemed to be detained at a county jail.

8 6. Employment and training. A detention district
9 may employ such persons as it requires to operate in
10 a safe and efficient manner. To the extent that these
11 employees provide for the direct care and custody of
12 persons detained in a facility of the district, these
13 persons shall be subject to the training requirements
14 of a full-time corrections officer. The employees of
15 a detention district shall, while in the performance
16 of their duties, possess all of the powers of a deputy
17 sheriff and shall possess the title of "detention
18 officer."

19 7. Agreements. A detention district may enter
20 into agreements with any sheriff or with the Depart-
21 ment of Corrections to provide for the detention of
22 persons lawfully detained, in the same manner as
23 might a sheriff.

24 8. Credit. A person detained by a detention dis-
25 trict shall be deemed to have been detained at the
26 county jail in the county where the facility in which
27 he was detained is located. For purposes of calculat-
28 ing credit pursuant to Title 17-A, section 1253, as
29 well as any deductions from sentence, that person
30 shall be deemed to have been detained at the county
31 jail in the county where the facility in which he was
32 detained is located.

33 9. Authority to detain. To the extent that any
34 facility of a detention district may otherwise law-
35 fully detain a person, that person may be detained by
36 the sheriff or the Commissioner of Corrections having
37 lawful authority to detain that person.

38 10. Rules. The department shall promulgate rules
39 for the creation, operation and dissolution of deten-
40 tion districts.

