

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1067

H.P. 795 House of Representatives, April 1, 1987  
Reference to the Committee on State and Local Government  
suggested and ordered printed.

EDWIN H. PERT, Clerk  
Presented by Representative PARADIS of Augusta.  
Cosponsored by Representative NORTON of Winthrop.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT to Permit the Use of State Agencies to  
2 House County Inmates in Emergency  
3 Situations.  
4

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

7 Sec. 1. 30 MRSA §1001, sub-§6 is enacted to  
8 read:

9 6. Removal of inmates to temporary facilities.  
10 In the event that a county detention facility becomes  
11 overcrowded and no reasonable remedial alternative  
12 exists, the sheriff may remove some of the inmates of  
13 that facility to temporary detention facilities in  
14 state-owned armories in accordance with Title 37-B,  
15 section 302-A.

1           Sec. 2. 30 MRSA §1124, as amended by PL 1985, c.  
2 640, is further amended by adding at the end a new  
3 paragraph to read:

4           In the event that a county detention facility be-  
5 comes overcrowded and no reasonable remedial alterna-  
6 tive exists, some of the inmates of the county deten-  
7 tion facility may be removed to temporary detention  
8 facilities in state-owned armories in accordance with  
9 Title 37-B, section 302-A. Nothing in this section  
10 may be construed to relieve a county of providing ad-  
11 equiate detention facilities for persons sentenced to  
12 county facilities.

13           Sec. 3. 37-B MRSA §302-A is enacted to read:

14           §302-A. Use of state armories as temporary detention  
15 facilities

16           The Commissioner of Defense and Veterans' Ser-  
17 vices, in consultation with the Commissioner of Cor-  
18 rections and the sheriffs of the several counties,  
19 shall develop a procedure and a policy by which in-  
20 mates of an overcrowded county detention facility may  
21 be transferred to temporary detention facilities in  
22 state-owned armories.

23           1. Restricted offenses. Inmates who may be  
24 transferred from a county detention facility to a  
25 state armory include only those inmates found guilty  
26 of a Class D or Class E crime. No inmate may be  
27 transferred to a state armory who has been found  
28 guilty of the following under the Maine Criminal  
29 Code, Title 17-A:

30           A. Offenses against the person;

31           B. Sex offenses;

32           C. Kidnapping and criminal restraint;

33           D. Prostitution and public indecency; or

34           E. Criminal use of explosives and related  
35 crimes.

1           2. Adoption of rules. The Commissioner of De-  
2 defense and Veterans' Services shall hold public hear-  
3 ings and adopt rules in accordance with the Maine Ad-  
4 ministrative Procedure Act, Title 5, chapter 375,  
5 with respect to the following:

6           A. The state facilities that shall be made  
7 available for the temporary housing of county in-  
8 mates:

9                     (1) At least one state armory in each coun-  
10 ty shall be made available for the use de-  
11 scribed in this section;

12           B. Establishing priorities with respect to the  
13 types of offenses for which county inmates may be  
14 transferred to temporary detention in state-owned  
15 armories;

16           C. The responsibilities and duties of the State  
17 and the county with respect to the transfer and  
18 detention of county inmates authorized under this  
19 section;

20           D. The number of county inmates that may be  
21 transferred at any one time to temporary deten-  
22 tion in each state armory; and

23           E. Any other rules that are reasonable and nec-  
24 essary to implement this section.

25           3. Compensation. The county from which the in-  
26 mate is being transferred may be assessed a fee by  
27 the State for the temporary detention of the county  
28 inmate, not to exceed the fee that would normally be  
29 assessed for county use of a portion of the state ar-  
30 mory.

31           4. Use and responsibilities of county inmates.  
32 County inmates following their transfer to a state  
33 armory shall be responsible for the custodial and  
34 maintenance work in the area in which they are de-  
35 tained. County inmates may be required to undertake  
36 other tasks at the armory. County inmates shall also  
37 engage in public service work in the municipality in  
38 which the state armory is located and where they are  
39 being temporarily detained.

1 STATEMENT OF FACT

2 This bill authorizes the transfer of inmates of  
3 overcrowded county jails to temporary detention fa-  
4 cilities in state armories when no reasonable remedial  
5 alternative exists. The only inmates who may be  
6 transferred to state armories are persons found  
7 guilty of Class D and Class E crimes, misdemeanors,  
8 and who have not committed crimes involving offenses  
9 against other people, public indecency, criminal use  
10 of explosives, sexual offenses and other similar  
11 crimes.

12 The Commissioner of Defense and Veterans' Ser-  
13 vices, in consultation with the Commissioner of Cor-  
14 rections and the sheriffs of the State's counties is  
15 authorized to adopt rules with respect to the proce-  
16 dures to be adopted to enable county inmates to be  
17 housed in temporary detention at state armories.

18 The county of origin, from which the inmate is  
19 being transferred, is required to compensate the  
20 State for the transfer of county inmates in accord-  
21 ance with the same provisions relating to the trans-  
22 fer of one county inmate to another county jail.

23 The purpose of this bill is to provide an alter-  
24 native to counties when county detention facilities  
25 become overcrowded.

26

0150031787