## MAINE STATE LEGISLATURE

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## FIRST REGULAR SESSION

## ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document No. 1156
S.P. 380 In Senate, April 9, 1987
Reference to the Committee on State and Local Government suggested and ordered printed.
JOY J. O'BRIEN, Secretary of the Senate Presented by Senator COLLINS of Aroostook. Cosponsored by Senator LUDWIG of Aroostook, Senator THERIAULT of Aroostook.
STATE OF MAINE  IN THE YEAR OF OUR LORD  NINETEEN HUNDRED AND EIGHTY-SEVEN
AN ACT to Allow Aroostook County to Contract for Services for the Operation of the County Jail.
Be it enacted by the People of the State of Maine as follows:
30 MRSA c. 13, sub-c. V is enacted to read:
SUBCHAPTER V
AGREEMENT TO PROVIDE COUNTY JAIL
FACILITY SERVICES

§1861. Contracts for provision of county jail facility services

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1 2 3 4 5	into a facilit	Authority to contract. The county commismay, in accordance with section 304, enter n agreement with a person to provide detention y services for the county. That person is reto in this subchapter as the "contractor."
6. 7	may pro	Permissible contract elements. The contract vide for the following:
8 <sub>40</sub> (	A. ten	The responsibility for the custody and main- ance of the facilities;
10 11	B. pri	The responsibility for the custody of the soners;
12 13 14	sup	Notwithstanding section 64-A, employment and ervision of subordinate assistants and employnecessary for the operation of the facility;
15 16 17	vid	The responsibility for the procuring and pro- ing of supplies and services for the prison- ; and
18 19 20	ers	Any other matter that the county commission- consider necessary or advisable to provide in the contract.
21 22 23 24 25 26 27 28 29 30	county facilit with t where t specifi bility. ers ha the fol	Applicability. Any responsibility of the commissioners or sheriff concerning detention ies and services under this chapter remains he county commissioners or sheriff, except he contract entered into under this section es that the contractor assumes that responsing ounties in which the county commissionive entered into a contract under this section, lowing sections do not apply if in conflict e provisions of the contract:
31 32	A. mai	Section 301, as it concerns the provision and ntenance of the detention facilities;
33 34 35	B. she ing	Section 1701, as it concerns the duty of the riff, deputy, jailer, master or keeper regard-the custody of the jail and prisoners; and
36 37 38	and	Section 1854, as it concerns the procurement provision of supplies and services for the soners.

1	4. Accounting. Within 60 days after the close
2	of each county fiscal year, the contractor shall provide a full report to the county commissioners de-
4	scribing:
5	A. The services rendered;
6 7	B. The supplies and services procured and provided;
8 9	C. The repair and maintenance of the facilities accomplished;
10	D. Other expenses incurred or paid; and
11 12	E. Any other information as required by the contract.
13 14 15	5. Rules. The Commissioner of Corrections shall adopt rules governing qualifications and training of employees working in the detention facilities.
16	STATEMENT OF FACT
17 18 19 20 21 22 23 24 25 26 27 28	Under current law, neither the county commissioners nor the sheriff can contract with a corporation, organization or anyone else, other than another county, for the provision of jail facilities or services. This bill removes the prohibition and provides guidelines for how the county commissioners should structure the agreement. This bill provides that, unless the contract specifically places the burden of carrying out a responsibility of the sheriff or county commissioners on the contractor, that responsibility remains on the sheriff or county commissioners as provided in current law.
29 30 31 32	This bill requires the contractor to provide a full report to the commission within 60 days of the end of the fiscal year. The report must contain all the information regarding expenses incurred and paid.

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as well as any other information required by the contract to be included.

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