

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

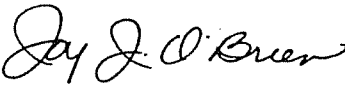
Legislative Document

No. 490

S.P. 212

In Senate, February 27, 1989

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.


JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BUSTIN of Kennebec.

Cosponsored by Senator MATTHEWS of Kennebec, Representative BURKE of Vassalboro and Representative MELENDY of Rockland.

STATE OF MAINE

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

An Act to Provide for Alternative Site Programs for Operating-under-the-influence Offenders.



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

3 Sec. 1. 22 MRSA §7238 is enacted to read:

5 §7238. Alternative site programs for certain offenders

7 The following subsections apply to the establishment of
9 alternative site programs.

11 1. Alternative site programs. The office may provide
12 funding to county commissioners and sheriffs to establish
13 alternative site programs for persons convicted under Title 29,
14 section 1312-B. For the purposes of this section, "alternative
15 site program" means a program which provides for detention and
16 treatment at a location other than a county jail of persons
17 sentenced to a term of imprisonment for criminal violation of
18 operation under the influence of intoxicating liquor or drugs or
19 with an excessive blood-alcohol level.

21 2. Eligibility. To be eligible for grants under this
22 section, the sheriff shall submit a plan to the office containing
23 the following:

25 A. Proposed contracts with licensed substance abuse
26 treatment providers approved by the office;

27 B. An agreement by the county commissioners and the sheriff
28 to comply with the data information system established
29 according to section 7225, subsection 2;

31 C. A description of how the alternative site program will
32 provide secure housing and supervision of offenders for the
33 duration of the program;

35 D. A description of how the alternative site program will
36 comply with program standards and oversight procedures
37 established by the office; and

39 E. Any other information required by the office.

41 Sec. 2. 30-A MRSA §1659 is enacted to read:

43 §1659. Temporary housing

45 The following subsections apply to the contracting authority
46 of county commissioners and sheriffs.

47 1. Contracts. County commissioners and sheriffs may enter
48 into a contract with a person to provide temporary housing for
49 persons sentenced to a term of imprisonment under Title 29,
50 section 1312-B.

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2. Permissible contract elements. The contract may provide for the following:

- A. The allocation of responsibility for the custody and maintenance of the facilities;
- B. The allocation of responsibility for the custody of the prisoners;
- C. Employment and supervision of subordinate assistants and employees necessary for the operation of the facilities;
- D. The allocation of responsibility for the procurement and provision of supplies and services for the prisoners; and
- E. Any other matters that the county commissioners and sheriff consider necessary or advisable.

3. Responsibility for security. Any responsibility of the county commissioners or sheriff concerning the security of detention facilities under this chapter remains with the county commissioners or sheriff, except where the contract entered into under this section specifies that the contractor assumes that responsibility.

4. Report. Within 60 days after the close of a county fiscal year, the contractor shall provide a full report to the county commissioners describing:

- A. The services rendered;
- B. The supplies and services procured and provided;
- C. The repair and maintenance of the facilities accomplished;
- D. Other expenses incurred or paid; and
- E. Any other information required by the contract.

5. Escape. Escape from any detention site shall be considered an escape from a county jail.

Sec. 3. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

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1989-90 1990-91

**HUMAN SERVICES, DEPARTMENT OF
Office of Alcoholism and Drug Abuse
Prevention**

All Other \$250,000 \$262,500

Provides funds for grants to counties to contract for alternative site programs for operating-under-the-influence offenders.

STATEMENT OF FACT

This bill appropriates \$250,000, plus a 5% increase the following year, from the General Fund to the Department of Human Services, Office of Alcoholism and Drug Abuse Prevention, OADAP. The office may use the funds to provide grants to county commissioners and sheriffs to establish alternative site programs for operating-under-the-influence offenders, including chronic offenders.

The 2nd part of the bill provides county commissioners and sheriffs with the authority to contract for temporary housing facilities for offenders participating in alternative programs. Under current law, neither the county commissioners nor the sheriff can contract with a corporation, organization or anyone else for the provision of jail facilities or services. 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.