

MAINE STATE LEGISLATURE

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OK
R. of S.

L.D. 723

(Filing No. S-537)

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STATE OF MAINE
SENATE
114TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT " A " to COMMITTEE AMENDMENT "B" to S.P. 277, L.D. 723, Bill, "An Act to Require Counties to Accept Prisoners with Sentences up to One Year in Length and to Provide Assistance to Counties in Developing Community Corrections Programs"

Amend the amendment in section 8 in subsection 2-A by striking out all of paragraphs D and E and inserting in their place the following:

'D. That any county approved to receive reimbursement from the department for capital building costs related to the net gain of prisoners resulting from Title 17-A, section 1203, subsection 1, and Title 17-A, section 1252, subsection 1, as a portion of the per diem rate prior to July 1, 1990, is eligible only for subsequent reimbursement under this subsection as specified in paragraph E. A county may not receive reimbursement for capital expenses as part of its per diem rate and under this subsection concurrently; and

E. That, if a county has received reimbursement under this subsection for actual capital building costs for secure bed space within the perimeter of a jail facility, that county may not receive subsequent reimbursement for secure bed space within the perimeter of a jail facility unless that county demonstrates that sufficient programs exist to serve offenders who are classified as a minimum or low risk to the community outside the secure perimeter of a jail facility. If a county cannot make such a demonstration, subsequent reimbursement under this subsection must be for alternative housing outside the secure perimeter of a jail facility, for offenders who are classified as a minimum or low risk to the community, and developed as part of a comprehensive local plan approved by the commissioner to provide and monitor community-based programs as described in subsection 1, paragraph B.'

Further amend the amendment by striking out all of sections 9 and 10.

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "B" to S.P. 277,
L.D. 723

2 Further amend the amendment by striking out all of section
12 and inserting in its place the following:

4 'Sec. 12. 34-A MRSA §1210, sub-§6-A is enacted to read:

6 6-A. Funds to be used for community corrections programs.
8 Thirty percent of all funds claimed by each county for
10 reimbursement under this section, except those funds reimbursed
12 for capital building expenditures, must be retained by the
14 department until the county demonstrates that the retained funds
16 will be used for community corrections programs, as defined in
18 subsection 1, paragraph B, that are developed as part of a
20 comprehensive local plan approved by the commissioner.
22 Two-thirds of the retained funds must be retained until the
24 county demonstrates that the funds will be used for adult
26 programs, and 1/3 of the retained funds must be retained until
the county demonstrates that the funds will be used for juvenile
diversion programs. All funds retained by the department under
this subsection not released by the end of the year may not
lapse, but must be carried forward into subsequent years, with
each county's funds carried over for that county. Annually, by
September 1st, the commissioner shall submit to the committee of
the Legislature having jurisdiction over corrections matters a
report of the activity in the prior fiscal year of the funds
retained under this subsection, including the following:

28 A. The amount retained from each county;

30 B. The amount of any funds that have been carried over from
32 previous fiscal years for each county;

34 C. The amount released to each county; and

36 D. The specific programs for which funds were released for
38 each county, including an indication of whether each program
serves juveniles or adults.'

40 Further amend the amendment by renumbering the sections to
read consecutively.

42 Further amend the amendment in the fiscal note in the first
44 paragraph by striking out all of the 2nd sentence and inserting
46 in its place the following: 'These costs will be realized
beginning in fiscal year 1995-96, and are estimated to be, at a
minimum, \$4,500,000.'

STATEMENT OF FACT

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The amendment allows counties to apply for funds under a new capital reimbursement mechanism regardless of whether the counties have received prior capital reimbursement as part of the per diem rate.

The amendment requires counties that have received initial capital reimbursement to demonstrate that sufficient programs exist for minimum security offenders prior to applying for subsequent reimbursement of capital expenses for secure jail facilities.

The amendment retains the current capital reimbursement mechanism, allowing counties that are currently being reimbursed as part of the per diem rate to continue to be reimbursed in that manner.

The amendment requires the Department of Corrections to retain 30% of the funds claimed by counties until the counties demonstrate that the funds will be used for adult and juvenile community corrections programs.

(Senator BUSTIN)
SPONSORED BY: *Bruce Bustin*
COUNTY: Kennebec *CB*

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