

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## FIRST REGULAR SESSION - 1989

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Legislative Document

No. 1356

H.P. 978

House of Representatives, April 26, 1989

Reference to the Joint Select Committee on Corrections suggested and ordered printed.

Handwritten signature of Edwin H. Pert in cursive.

EDWIN H. PERT, Clerk

Presented by Representative MANNING of Portland.

Cosponsored by Senator BUSTIN of Kennebec, Representative MELENDY of Rockland and Senator PERKINS of Hancock.

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STATE OF MAINE

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

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**An Act to Authorize County Commissioners to Provide Additional  
Facilities for Prisoners.**

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(EMERGENCY)



1           **Emergency preamble.** Whereas, Acts of the Legislature do not  
become effective until 90 days after adjournment unless enacted  
3 as emergencies; and

5           Whereas, this legislation must be enacted and take effect at  
the earliest possible moment in order to address the statewide  
7 crisis of severe overcrowding in county jails; and

9           Whereas, in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
11 Maine and require the following legislation as immediately  
necessary for the preservation of the public peace, health and  
13 safety; now, therefore,

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

17           **Sec. 1. 30-A MRSA §1658**, as enacted by PL 1987, c. 737, Pt.  
A, §2, and Pt. C, §106, and as amended by PL 1989, cc. 6 and 9,  
19 is further amended by inserting at the end a new paragraph to  
read:

21           The county commissioners may purchase, lease, contract or  
23 enter into agreements for the use of facilities to house minimum  
security prisoners who have been sentenced to the county jail.  
25 These facilities may be used for the provision of programs for  
prisoners. The funds to purchase, lease or contract for these  
27 facilities and to provide any programs in these facilities may be  
taken from the funds received by the counties pursuant to Title  
29 34-A, section 1210. Any facilities used to house prisoners  
pursuant to the authority granted by this section shall be  
31 subject to standards established by the Department of Corrections  
pursuant to Title 34-A, section 1208-A.

33           **Sec. 2. 34-A MRSA §1208-A** is enacted to read:

35           §1208-A. Standards for additional accommodations

37           The commissioner shall establish standards for facilities  
39 not covered by section 1208 which are used to house county  
prisoners and has the same power to enforce those standards as  
41 provided under section 1208.

43           **Emergency clause.** In view of the emergency cited in the  
preamble, this Act shall take effect when approved.

45  
47  
49           **STATEMENT OF FACT**

51           Section 1 of the bill authorizes county commissioners to  
buy, lease or otherwise acquire the use of facilities to house  
low-risk, minimum-security prisoners, and specifies that

1 community correctional funds may be expended for this purpose and  
2 to fund programs at these additional facilities. Since these  
3 additional facilities will be used for low-risk prisoners, cells  
4 in secure facilities will be freed for the use of high-risk  
5 prisoners.

7 Section 2 requires the Commissioner of Corrections to set  
8 state standards for additional facilities, just as the  
9 commissioner is presently required under the Maine Revised  
10 Statutes, Title 34-A, section 1208, to set standards for county  
11 jails and other detention facilities. Applicable state standards  
12 will likely be different from those for the county jail and may  
13 well vary depending on the type of the additional facility and  
14 its intended use. The commissioner is given maximum flexibility  
15 in setting standards for the additional facilities and in the  
16 enforcement of those standards.

17