## MAINE STATE LEGISLATURE

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## 114th MAINE LEGISLATURE

## FIRST REGULAR SESSION - 1989

Legislative Document

No. 1742

S.P. 647

In Senate, June 12, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Reference to the Joint Select Committee on Corrections suggested. In Senate, under suspension of the Rules, Read Twice and Passed to be Engrossed, without reference to a Committee and ordered printed. Sent down forthwith for concurrence. In House, June 12, 1989, under suspension of the Rules, Read Once and tomorrow assigned for Second Reading, without reference to a Committee.

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator BUSTIN of Kennebec.

Cosponsored by Representative ANTHONY of South Portland, Representative MELENDY of Rockland and Representative MAYO of Thomaston.

## STATE OF MAINE

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

An Act to Create the Maine Jail Industries Authority.

- -

(After Deadline)

1	Be it enacted by the People of the State of Maine as follows:
3	34-A MRSA §1211 is enacted to read:
5	§1211. Jail Industries Authority
7	1. Definitions. As used in this section, unless the
9	context otherwise indicates, the following terms have the following meanings.
11	A. "Authority" means the Jail Industries Authority.
13	B. "Private Sector Prison Industry Enhancement Certification Program" means that program authorized by the
15	United States Justice Assistance Act of 1984, United States Code, Title 18, Section 1761.
17	
19	2. Authority created. The Jail Industries Authority is established to provide a means by which counties may voluntarily participate in the production of prisoner-made goods and services
21	for interstate commerce, under the provisions of the Private Sector Prison Industry Enhancement Certification Program.
23	
25	3. Board created. The authority shall be administered by a board of directors, comprised of the following members:
27	A. One sheriff, to be appointed by and serve at the
29	pleasure of a statewide sheriffs association;
31	B. One county commissioner, to be appointed by and serve at the pleasure of a statewide county commissioners association; and
33	
35	C. The sheriff of the county that has been certified by the United States Department of Justice under the provisions of the Private Sector Prison Industry Enhancement Certification
37	Program.
39	4. Duties. The board of directors shall:
41	A. Establish procedures for determining whether a county jail program complies with the requirements of the Private
43	Sector Prison Industry Enhancement Certification Program;
45	B. Determine whether a program shall be designated as a cost accounting center for the purposes of the Private
47	Sector Prison Industry Enhancement Certification Program,
49	and determine whether any such designation previously approved shall be revoked; and
51	C. Monitor all designated programs to ensure continuing compliance with the rules promulgated by the United States

1	Department of Justice under the provisions of the Private
	Sector Prison Industry Enhancement Certification Program.
3	
	5. Fees and costs. The board of directors may receive
5	funds from local, county, state or federal sources and may
	receive grants to support its activities. The board may
7	establish a reasonable schedule of fees to be charged to
	participating counties.
9	
	<ol> <li>Enterprise fund. Participating counties shall establish</li> </ol>
L1	a separate account for the operation of the program. This
	account shall be operated as an enterprise fund, with continuing
L3	authority to receive income and pay expenses associated with the
	program. All funds remaining in such accounts shall not lapse at
15	the end of the fiscal year, but shall be carried over to the next
	· <u>year.</u>
L7	
L9	STATEMENT OF FACT
21	In 1984, Congress authorized the United States Department of
	Justice to certify up to 20 governmental entities for
23	participation in the Private Sector Prison Industry Enhancement
	Certification Program. Congress established strict standards for
25	certification, requiring payment of free-world wages, deductions
	for victim assistance, consultation with local industry and
27	labor, and prohibiting displacement of current free-world workers.
9	Aroostook County has applied for certification, and has been
	designated as a pilot project by the National Institute of
31	Justice. This bill allows a certificate awarded to Aroostook
	County to be extended to other counties which wish to
3	participate. Many other counties have expressed a strong
	interest in jail industries and most have planned space for these
5	programs in their new jails.