

MAINE STATE LEGISLATURE

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L.D. 2024

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STATE OF MAINE
SENATE
114TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A " to S.P. 783, L.D. 2024, Bill, "An Act to Clarify and Expand the Provisions of the Law Creating the Jail Industries Authority"

Amend the bill by inserting after the enacting clause the following:

Sec. 1. 26 MRSA §962, sub-§6, ¶G, as enacted by PL 1969, c. 578, §2, is amended to read:

G. Who is a temporary, seasonal or on-call employee; or

Sec. 2. 26 MRSA §962, sub-§6, ¶H is enacted to read:

H. Who is a prisoner employed by a public employer during the prisoner's term of imprisonment, except for prisoners who are in work release or intensive supervision programs.

Sec. 3. 26 MRSA §979-A, sub-§6, ¶J, as enacted by PL 1981, c. 381, §3, is amended to read:

J. Who substantially participates in the formulation and effectuation of policy in a department or agency or has a major role, other than a typically supervisory role, in the administration of a collective bargaining agreement in a department or agency; or

Sec. 4. 26 MRSA §979-A, sub-§6, ¶K is enacted to read:

K. Who is a prisoner employed by a public employer during the prisoner's term of imprisonment, except for prisoners who are in work release or intensive supervision programs.

Sec. 5. 34-A MRSA §1211, sub-§3, ¶¶A and B, as enacted by PL 1989, c. 416, are amended to read:

A. Two sheriffs, to be appointed by the commissioner, one from a list of 3 nominated by a statewide sheriffs' association and one from the a county that has been

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2 certified by the United States Department of Justice under
the provisions of the federal Private Sector Prison Industry
4 Enhancement Certification Program or selected as a cost
accounting center under that program; and

6 B. One county commissioner, to be appointed by the
commissioner from a list of 3 nominated by a statewide
8 county commissioners' association; and

10 Sec. 6. 34-A MRSA §1211, sub-§3, ¶C is enacted to read:

12 C. The commissioner or the commissioner's designee.

14 Sec. 7. 34-A MRSA §1211, sub-§4, ¶¶B and C, as enacted by PL
1989, c. 416, are amended to read:

16 B. Determine whether a program shall be designated
18 recommended as a cost accounting center for the purposes of
the federal Private Sector Prison Industry Enhancement
20 Certification Program, and determine whether to recommend
revocation of any such designation previously approved shall
22 be--revoked . These recommendations must be made to the
federal agency responsible for designating cost accounting
24 centers, except when a recommendation is made regarding a
cost accounting center within the Department of Corrections'
26 certification, in which case, the recommendation must be
made to the commissioner; and

28 C. ~~Monitor~~ Provide technical assistance to counties wishing
30 to participate in the program and monitor all designated
32 programs to ensure continuing compliance with the rules
promulgated by the United States Department of Justice under
34 the provisions of the federal Private Sector Prison Industry
Enhancement Certification Program.'

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

38 'Sec. 2. 34-A MRSA §1211, sub-§7 is enacted to read:

40 7. Participation under the Department of Corrections'
42 certification. A county may request to have its jail industry
included within the Department of Corrections' certification
44 under the federal Private Sector Prison Industry Enhancement
Certification Program. The authority's board of directors, upon
46 receipt of a request, may recommend to the commissioner that the
jail industry for that county be designated as a separate cost
48 accounting center within the Department of Corrections'
certification. The commissioner may provide technical assistance
50 to counties that make requests under this subsection and may
charge the counties a fee for the assistance.'

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Further amend the bill by renumbering the sections to read consecutively.

Further amend the bill by adding before the statement of fact the following:

FISCAL NOTE

This bill will increase dedicated revenue to the Department of Human Services that will be dependent upon the number of counties that participate in the Department of Corrections jail industry certification. The Department of Corrections may experience an increase in dedicated revenue should it charge a fee to the counties for technical assistance provided. It will be necessary to allocate these funds once it is known how much revenue is generated.

The Department of Corrections has indicated it will provide technical assistance utilizing existing staff resources.'

STATEMENT OF FACT

This amendment makes it clear that prisoners employed in the federal Private Sector Prison Industry Enhancement Certification Program are not protected by the municipal public employees labor relations laws or the state employees labor relations laws, the Maine Revised Statutes, Title 26, chapters 9-A and 9-B, respectively.

This amendment also expands the possible composition of the board of directors of the Jail Industries Authority. Because no county jail will receive certification in the foreseeable future, representation is broadened to allow appointment of a sheriff from a county designated as a cost accounting center under the Department of Corrections' certificate. It also makes the Commissioner of Corrections, or the commissioner's designee, a board member.

This amendment also refines the duties of the board of directors. Since the United States Department of Justice makes final decisions about cost accounting centers, the board of directors may only recommend action in that regard. Also, the board is given a technical assistance role in addition to its monitoring role in relation to the counties.

This amendment also allows counties to participate in the federal Private Sector Prison Industry Enhancement Certification Program as cost accounting centers on the Department of Corrections' certification.