

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2024

S.P. 783

In Senate, December 21, 1989

Submitted by the Department of Corrections pursuant to Joint Rule 24.

Received by the Secretary of the Senate on December 21, 1989. Referred to the Joint Select Committee on Corrections and 1,600 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

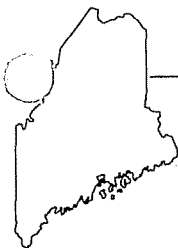
Presented by Senator PERKINS of Hancock.

Cosponsored by Senator BUSTIN of Kennebec and Representative MELENDY of Rockland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Clarify and Expand the Provisions of the Law Creating the Jail Industries Authority.



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

4 **Sec. 1. 34-A MRSA §1211, sub-§6, as enacted by PL 1989, c.**
5 **416, is amended to read:**

6 **6. Enterprise fund.** Participating counties shall establish
7 a separate account for the operation of the program. This
8 account shall be operated as an enterprise fund, with continuing
9 authority to receive income and pay expenses associated with the
10 program. All funds remaining in such accounts shall not lapse at
11 the end of the fiscal year, but shall be carried over to the next
12 year. Mandatory contributions to the Crime Victim Assistance
13 Program shall be made from these accounts and transferred to the
14 control of the Department of Human Services to be used
15 exclusively for the Crime Victim Assistance Program.

16 **Sec. 2. 34-A MRSA §1211, sub-§§7 and 8 are enacted to read:**

17 **7. Participation under the Department of Corrections**
18 **certification.** Other provisions of this section notwithstanding,
19 a county may make a request to have its jail industry included
20 within the Department of Corrections' certification under the
21 Federal Private Sector Prison Industry Enhancement Certification
22 Program. The Commissioner of Corrections, upon receipt of a
23 request, may recommend to the United States Department of Justice
24 that the jail industry for that county be designated as a
25 separate cost center within the Department of Corrections
26 certification.

27 **8. Technical assistance and assurance of compliance.** The
28 commissioner shall provide technical assistance as necessary to
29 provide all counties making a request under subsection 7 with aid
30 in establishing and maintaining their certified industries
31 programs in full compliance with applicable federal and state
32 statutes, rules and regulations and may charge the counties a fee
33 for any assistance.

34 **Sec. 3. 39 MRSA §2, sub-§5, ¶E, as repealed and replaced by PL**
35 **1987, c. 654, §1, is amended to read:**

36 **E.** The term "employee" does not include any person who is a
37 sentenced prisoner in actual execution of a term of
38 incarceration imposed in this State or any other
39 jurisdiction for a criminal offense, except in relation to
40 compensable injuries suffered by the prisoner during
41 incarceration and while the prisoner is:

42 (1) A prisoner in a county jail under final sentence
43 of 72 hours or less and is assigned to work outside of
44 the county jail;

45 (2) Employed by a private employer;

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(3) Participating in a work release program; ~~or~~

(4) Sentenced to imprisonment with intensive supervision under Title 17-A, section 1261-; or

(5) Employed in a program established under a certification issued by the United States Department of Justice under the United States Code, Title 18, Section 1761.

Sec. 4. 39 MRSA §102-A, sub-§1, ¶¶B and C, as enacted by PL 1987, c. 654, §2, are amended to read:

B. Participating in a work release program; ~~or~~

C. Sentenced to imprisonment with intensive supervision under Title 17-A, section 1261-; or

Sec. 5. 39 MRSA §102-A, sub-§1, ¶D is enacted to read:

D. Employed in a program established under a certification issued by the United States Department of Justice under the United States Code, Title 18, Section 1761.

Sec. 6. Application. This Act shall apply only to injuries that occur after the effective date of this Act.

STATEMENT OF FACT

The First Regular Session of the 114th Legislature created the Jail Industries Authority in an attempt to provide a means for other counties to be included in the certification to be issued to one county by the United States Department of Justice under the Private Sector Prison Industry Enhancement Certification Program. However, no county can be certified as all 20 certifications that were available under the federal law have been awarded. The Department of Corrections, however, has been certified and could include the counties within that certification. This bill adds that option and:

1. Authorizes the transfer and receipt of contributions to the Crime Victim Assistance Program as required by the federal certification rules;

2. Provides the authorization for the county jail industries to be included within the department's certification and establishes that the Commissioner of Corrections will provide the necessary assistance and oversight so that programs comply with applicable statutes; and

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3. Makes changes in the workers' compensation laws
necessary for compliance with federal certification requirements.

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