

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
114TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A " to S.P. 850, L.D. 2179, Bill, "An Act to Help Fund County Government"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 4 MRSA §115, first ¶, as amended by PL 1981, c. 647, §1, is further amended to read:

In each county, the place for holding court shall must be located in a building designated by the Chief Justice of the Supreme Judicial Court or his a designee, who, with the advice and approval of the Bureau of Public Improvements, is empowered to negotiate, on behalf of the State, the leases, contracts and other arrangements he the Chief Justice or a designee considers necessary, within the limits of appropriations and other funds available to the Supreme Judicial and Superior Courts, to provide suitable quarters, adequately furnished and equipped, for the Supreme Judicial or Superior Court in each county. The county commissioners in each county shall continue to provide for the use of the Supreme Judicial and Superior Courts such quarters, facilities, furnishings and equipment in existing county buildings as were in use on January 1, 1976, without-charge on terms negotiated under this section.

Sec. 2. 4 MRSA §1057, sub-§1, as enacted by PL 1987, c. 339, §3, is amended to read:

1. **Fund established.** There is hereby established a fund to be known as the Jail Operations Surcharge Fund. This The Treasurer of State shall maintain this fund shall-be-maintained by-the-Treasurer-of-State for the sole purpose of reimbursing counties-for paying costs associated with operations of the jail system.

Sec. 3. 4 MRSA §1057, sub-§3, as enacted by PL 1987, c. 339, §3, is repealed and the following enacted in its place:

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3. Reimbursement to counties. Quarterly, the Treasurer of State shall make payments from this fund to each county in direct proportion to the amount of revenue obtained from all courts within that county. These quarterly payments must be included in the total payments made under Title 30-A, chapter 3, subchapter II, article 5.

Sec. 4. 30-A MRSA §121, sub-§5 is enacted to read:

5. Courtrooms. The Judicial Department shall reimburse each county quarterly for the cost of providing courthouses as described in subsection 1, paragraph A, and for the cost of providing space and equipment for the office of the clerk of courts as required by subsection 1, paragraph B, subparagraph (4). These costs must be determined as provided in Title 4, section 115.

Sec. 5. 30-A MRSA §281, sub-§3 is enacted to read:

3. Reimbursement by the State. The Attorney General shall reimburse the counties quarterly for the actual cost of operating the offices of the district attorneys authorized in this section and in section 282, subsection 4. This reimbursement may not exceed the amount approved in each county budget for district attorney expenses plus an allowance for the fair rental value of office space provided to the district attorney's office by the county under subsection 2.

Sec. 6. 30-A MRSA c. 3, sub-c. II, art. 5 is enacted to read:

Article 5

COUNTY CORRECTIONAL ACCOUNT

§971. Definitions

As used in this article, unless the context otherwise indicates, the following terms have the following meanings.

1. Correctional programs. "Correctional programs" means the delivery of correctional services by or for the county, including, but not limited to, preventive or diversionary correctional programs, pretrial release or conditional release programs, alternative sentencing programs, residential treatment and halfway house programs, community correctional centers and temporary release programs from a facility for the detention or confinement of persons convicted of crime or adjudicated delinquents.

2 2. Standards compliance. "Standards compliance" means
3 compliance with the standards, under Title 34-A, section 1208,
4 for jail and holding facilities and short-term detention areas.

6 3. Support of prisoners. "Support of prisoners" means the
7 following line items:

8 A. Personal services:

10 B. Contractual services:

12 (1) Professional fees and services:

14 (a) Medical, dental and psychological;

16 (b) In-house correctional programs and community
18 correctional programs as defined in this section;

20 (c) Board of prisoners; and

22 (d) Insurance;

24 (2) Prisoner transportation:

26 (a) Gas and oil; and

28 (b) Auto repairs;

30 (3) Utilities:

32 (a) Electricity;

34 (b) Gas;

36 (c) Sewage and water;

38 (d) Telephone; and

40 (e) Rubbish removal;

42 (4) Rentals;

44 (5) Repairs and maintenance;

46 (6) General operating expenses:

48 (a) Postage; and

50 (b) Printing; and

52 (7) Other:

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2 (a) Staff training and education;

4 C. Commodities:

6 (1) Food;

8 (2) Fuel; and

10 (3) Supplies:

12 (a) Cleaning;

14 (b) Institutional; and

16 (c) Office;

18 D. Capital expenditures:

20 (1) Equipment:

22 (a) Furniture and fixtures; and

24 (b) Vehicles; and

26 (2) Buildings; and

28 E. Capital expenditures, replacement:

30 (1) Equipment:

32 (a) Furniture and fixtures; and

34 (b) Vehicles.

36 §972. County correctional account

38 The county commissioners of each county shall establish a
40 county correctional account for funds received from the State
42 under this article. These funds must be used for operating costs
44 for the county jails, including support of prisoners; improving,
46 maintaining and developing correctional programs; community-based
correctional programs; standards compliance; and capital
improvements. Funds in this account unexpended at the end of the
year may not lapse, but must be carried forward to subsequent
years.

48 §973. Reimbursement

50 The State Controller shall reimburse each county quarterly
for the actual cost of operating the county jails. The

reimbursement may not exceed the amount approved in each county budget for that expense.

Sec. 7. 34-A MRSA §1210, as amended by PL 1989, c. 127, §§1 and 2, is repealed.

Sec. 8. 34-A MRSA §1212 is enacted to read:

§1212. Community corrections assistance

1. Definitions. As used in this section, unless the context indicates otherwise, the following terms have the following meanings.

A. "Commissioner" means the Commissioner of Corrections.

B. "Community corrections" means the delivery of correctional services by or for the county, including, but not limited to, preventive or diversionary correctional programs, pretrial release or conditional release programs, alternative sentencing programs, residential treatment and halfway house programs, community correctional centers and temporary release programs from a facility for the detention or confinement of persons convicted of crime or adjudicated delinquents.

C. "Standards compliance" means compliance with the standards, under section 1208, for jail and holding facilities and short-term detention areas.

2. Technical assistance. The commissioner shall provide technical assistance to counties and county advisory groups to aid in planning and developing correctional programs, including community-based correctional programs and standards compliance.

Sec. 9. 36 MRSA §4641-B, 5th ¶, as amended by PL 1983, c. 859, Pt. M, §10, is further amended to read:

Each register of deeds shall, on or before the 10th day of each month, pay over to the State Tax Assessor 90% in fiscal year 1991-92, 80%; in fiscal year 1992-93, 70%; in fiscal year 1993-94, 60%; and in fiscal year 1994-95 and thereafter, 45% of the tax collected during the previous month. The remaining 10% shall funds must be retained for the county by the register of deeds and accounted for to the county treasurer as reimbursement for services rendered by the county in collecting the tax.

Sec. 10. 36 MRSA §4641-B, last ¶, as amended by PL 1987, c. 737, Pt. C, §§83 and 106 and PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

2 The State Tax Assessor shall pay all net receipts to the
3 Treasurer of State, who shall credit ~~1/2 of the revenue to the~~
4 ~~General Fund and who shall monthly~~ pay ~~the remaining 1/2~~ an
5 amount equal to 45% of the total transfer tax collected monthly
6 to the Maine State Housing Authority, which. The authority shall
7 deposit the funds in the Housing Opportunities for Maine Fund
8 created in Title 30-A, section 4853. The Treasurer of State
9 shall credit any remaining receipts to the General Fund.

10 **Sec. 11. Transition.** Notwithstanding the provisions of this
11 Act, the reimbursement provided to counties under this Act is to
12 be phased in over 4 years. In fiscal year 1991-92, the State
13 shall reimburse counties for 25% of each county's expenses, as
14 determined under this Act, for providing space and equipment for
15 courthouses and court clerks, for operational costs of the
16 district attorneys' offices and for operational costs of the
17 county jails. In fiscal year 1992-93, the State shall reimburse
18 counties for 50% of these expenses. In fiscal year 1993-94, the
19 State shall reimburse counties for 75% of these expenses. In
20 fiscal year 1994-95 and thereafter, the State shall reimburse
21 counties for 100% of these expenses.

22 **Sec. 12. Emergency planning; review.** The Maine Emergency
23 Management Agency shall review the regional structure of the
24 emergency management programs within the State, including state,
25 county and municipal programs. The review must focus
26 particularly on the coordination among these different levels of
27 government, and determine whether there is a continued need for
28 involvement of multimunicipal regional units and, if so, whether
29 the counties are the best choice for that function. The agency
30 shall report its findings and recommendations to the Joint
31 Standing Committee on State and Local Government and to the
32 Office of the Executive Director of the Legislative Council by
33 January 1, 1991.

34 **Sec. 13. Effective date.** Sections 1 to 11 of this Act take
35 effect July 1, 1991.

36 FISCAL NOTE

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42 General Fund appropriations will be required beginning in
43 fiscal year 1991-92 in order to reimburse counties for district
44 attorney operations, county jail costs and courthouse space.
45 Phasing in reimbursement over 4 years will result in estimated
46 costs as indicated below for which General Fund appropriations
47 will be necessary:

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Fiscal year 1991-92 - 25% = \$7,811,556
Fiscal year 1992-93 - 50% = \$15,623,113
Fiscal year 1993-94 - 75% = \$23,434,669

2 Fiscal year 1994-95 - 100% = \$31,246,225

4 In addition, there will be an estimated loss of revenues to
the General Fund beginning in fiscal year 1991-92 as follows:

6 Fiscal year 1991-92 - (\$2,997,985)

Fiscal year 1992-93 - (\$4,611,252)

8 Fiscal year 1993-94 - (\$6,224,518)

10 Fiscal year 1994-95 - (\$8,644,417)

12 **STATEMENT OF FACT**

14 This amendment completely replaces the bill. It includes
16 several provisions intended to relieve the property tax burden of
Maine's citizens and to more fairly fund county government by
18 requiring the State to fund state services performed by
counties. The amendment takes effect for fiscal year 1991-92 and
is phased in over a 4-year period to reduce the immediate
20 financial impact to the State. The amendment includes the
following provisions:

22 1. Requiring the Judicial Department to pay rent to
24 counties for the provision of courtrooms for the Superior
Courts and the Supreme Judicial Court and office space and
26 equipment for the court clerks;

28 2. Requiring the Attorney General to reimburse counties for
the costs of operating the district attorneys' offices;

30 3. Requiring reimbursement for the costs of operating the
32 county jails; and

34 4. Permitting the counties to retain 55% of transfer tax
36 revenues collected by the registers of deeds. The remaining
45% continues to be paid to the Maine State Housing
Authority as under current law.

38 These measures provide property tax relief by reducing the
40 county share of local property taxes and also promote greater
equity in the funding of county government by requiring the State
42 to pay for those services provided to the State by county
government.

44 Finally, the amendment requires the Maine Emergency
46 Management Agency to review the regional structure of emergency
management plans and report back to the Joint Standing Committee
48 on State and Local Government.