

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2387

H.P. 1728

House of Representatives, March 1, 1990

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

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative MANNING of Portland.

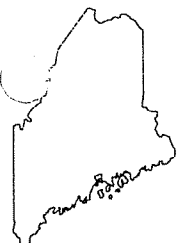
Cosponsored by Representative CURRAN of Westbrook, Representative ANTHONY of South Portland and Representative STROUT of Windham.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Form a County Corrections Department for Cumberland
County.

(AFTER DEADLINE)



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

2 **Sec. 1. Cumberland County Department of Corrections established.**

4 Notwithstanding any provision to the contrary in the Maine
6 Revised Statutes, Title 30-A, chapter 13, the Cumberland County
8 Department of Corrections is established to maintain and operate
 jails and detention centers in Cumberland County.

10 **Sec. 2. Cumberland County Director of Corrections.** The county
12 commissioners of Cumberland County shall appoint the Cumberland
 County Director of Corrections, whose actions are subject to
 final approval by the county commissioners.

14 1. The director serves at the pleasure of the county
16 commissioners.

18 2. The director must hold a baccalaureate degree and have
20 at least 5 years of administrative experience in corrections or
 criminal justice.

22 3. The director is authorized to hire and dismiss staff.

24 **Sec. 3. Cumberland County Corrections Advisory Committee.** The
26 Cumberland County Corrections Advisory Committee is established
28 to oversee, evaluate and advise the county commissioners with
 respect to all aspects of the operation of jails and detention
 centers in Cumberland County and to advise the commissioners with
 respect to correctional policy.

30 1. The advisory committee consists of the following 11
32 members:

34 A. The Cumberland County sheriff or the sheriff's designee;

36 B. A member appointed by the Chief Justice of the Maine
 Supreme Judicial Court;

38 C. The Cumberland County district attorney, or the district
40 attorney's designee;

42 D. A county commissioner appointed by the county
 commissioners;

44 E. A Legislator appointed by the county commissioners;

46 F. A police chief appointed by an association of Cumberland
48 County law enforcement officials;

50 G. A member appointed by the Cumberland County Jail
 Advisory Committee;

2 H. A member of the state Department of Corrections, to
serve ex officio appointed by the commissioner of
4 corrections;

6 I. The Cumberland County Director of Corrections, to serve
ex officio; and

8 J. Two other members, appointed by the county commissioners.

10 2. Members of the advisory committee serve 3-year staggered
12 terms.

14 3. The advisory committee shall prepare a budget proposal
for the Cumberland County Department of Corrections by September
16 1st of each year.

18 **Sec. 4. Transportation of committed offenders and detainees.** The
Cumberland County sheriff retains responsibility for all
20 court-ordered transportation of committed offenders and detainees.

22 **Sec. 5. Application.** Notwithstanding the establishment of the
Cumberland County Department of Corrections in section 1 of this
24 Act, the department may not undertake the administration of
correctional facilities until January 1, 1991.

26 **Sec. 6. Transition.** To provide for the smooth transition and
28 continued operation of jails and detention centers during the
transfer of the operation of those facilities from the Cumberland
30 County sheriff to the Cumberland County Department of
Corrections, a transition period is established that begins on
32 the effective date of this Act and ends on January 1, 1991.

34 1. Beginning January 1, 1991, the Cumberland County
Department of Corrections shall assume the cost of administering
36 and operating Cumberland County jails and detention centers,
including personnel, contractual, commodities and capital costs.

38 2. The Cumberland County sheriff, or a designee, shall, by
40 January 1, 1991, surrender and transfer to the Cumberland County
Director of Corrections all jail records and capital equipment
42 necessary to administer and operate the county's jails and
detention centers pursuant to this section and other applicable
44 state and federal laws.

46 A. All active and inactive records and files, whether
stored in manual files or electronic media, are transferred
48 under this section. At a minimum, this transfer includes,
but is not limited to:

- 2 (1) All inmate records and files;
- 4 (2) All jail logs, operational manuals and other
6 operation-related documents;
- 8 (3) All court records;
- 10 (4) All jail and inmate financial records and accounts;
- 12 (5) A complete and final financial audit of all funds
14 surrendered;
- 16 (6) A complete inventory of all capital items and
18 equipment surrendered;
- 20 (7) Personnel records of all personnel transferred to
22 service in the Cumberland County Department of
24 Corrections; and
- 26 (8) Any other record pertaining to the jail.

28 B. All capital items and equipment necessary to administer
30 and operate the county's jails and detention centers and
32 related community corrections programs, as well as those
34 capital equipment items necessary for maintaining inmate
36 transportation and jail facility information systems, are
38 transferred under this section.

40 3. The Cumberland County Department of Corrections shall
42 include in its budget the annual cost of indebtedness remaining
44 for county jail bonds approved prior to January 1, 1991.

46 4. The Cumberland County Department of Corrections shall,
48 by January 1, 1991, assume full use of and authority over all
50 Cumberland County jail facilities and other related spaces on the
grounds or within a county building complex necessary to
administer and operate the jail in Cumberland County.

Sec. 7. Revision clause. Wherever in the Maine Revised
Statutes the word "sheriff" is used in connection with the
administration or operation of a county jail, for the purposes of
Cumberland County, "sheriff" means the Cumberland County Director
of Corrections.

STATEMENT OF FACT

50 This bill establishes the Cumberland County Department of
Corrections.