

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2469

H.P. 1799

House of Representatives, April 3, 1990

Reported by the Majority from the Joint Select Committee on Corrections pursuant to H.P. 1483 and printed under Joint Rule 2.

Ed Pert
EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act Authorizing a General Fund Bond Issue in the Amount of \$20,250,000 for Construction, Planning, Purchasing and Renovation of Correctional Facilities.



2 **Preamble.** Two thirds of both Houses of the Legislature
3 deeming it necessary in accordance with the Constitution of
4 Maine, Article IX, Section 14, to authorize the issuance of bonds
5 on behalf of the State of Maine to provide funds for
6 construction, planning, purchasing and renovation of correctional
7 facilities.

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

10 **Sec. 1. Authorization of bonds to provide for construction, planning,**
11 **purchasing and renovation of correctional facilities.** The Treasurer of
12 State is authorized, under the direction of the Governor, to
13 issue from time to time registered bonds in the name and behalf
14 of the State to an amount not exceeding \$20,250,000 for the
15 purpose of raising funds to provide for construction, planning,
16 purchasing and renovation of correctional facilities as
17 authorized by section 6. The bonds shall be deemed a pledge of
18 the full faith and credit of the State. The bonds shall not run
19 for a longer period than 10 years from the date of the original
20 issue of the bonds. Any issuance of bonds may contain a call
21 feature at the discretion of the Treasurer of State with the
22 approval of the Governor.

24 **Sec. 2. Records of bonds issued to be kept by the State Auditor and**
25 **Treasurer of State.** The State Auditor shall keep an account of the
26 bonds, showing the number and amount of each, the date when
27 payable and the date of delivery of the bonds to the Treasurer of
28 State who shall keep an account of each bond showing the number
29 of the bond, the name of the successful bidder to whom sold, the
30 amount received for the same, the date of sale and the date when
31 payable.

32 **Sec. 3. Sale; how negotiated; proceeds appropriated.** The
33 Treasurer of State may negotiate the sale of the bonds by
34 direction of the Governor, but no bond may be loaned, pledged or
35 hypothecated on behalf of the State. The proceeds of the sale of
36 the bonds, which shall be held by the Treasurer of State and paid
37 by the Treasurer of State upon warrants drawn by the State
38 Controller, are appropriated to be used solely for the purposes
39 set forth in this Act. Any unencumbered balances remaining at
40 the completion of the projects in section 6 shall lapse to the
41 debt service account established for the retirement of these
42 bonds.

44 **Sec. 4. Interest and debt retirement.** Interest due or accruing
45 upon any bonds issued under this Act and all sums coming due for
46 payment of bonds at maturity shall be paid by the Treasurer of
47 State.

48 **Sec. 5. Disbursement of bond proceeds.** The proceeds of the
49 bonds set out in section 6 shall be expended under the direction

2 and supervision of the Director of Public Improvements in
consultation with the Commissioner of Corrections.

4 **Sec. 6. Allocations from General Fund bond issue; correctional**
6 **facilities.** The proceeds of the sale of bonds shall be expended as
designated in the following schedule:

8 **CORRECTIONS, DEPARTMENT OF**

10	100 maximum-security beds in	\$14,250,000
12	South Warren for interim	
14	mental health and receiving	
16	needs and for general population	
18	50-bed prerelease center	1,400,000
20	in Cumberland County or York	
22	County	
24	2 community-based diversion	2,800,000
26	and restitution centers in	
28	Androscoggin County and	
30	Penobscot County	
32	50-bed minimum-security housing	1,500,000
34	unit and improvements to sewerage	
36	treatment facilities at the Downeast	
38	Correctional Center	
40	Establishment of a women's	50,000
42	prerelease unit in Hallowell	
44	Feasibility studies for future	250,000
46	operations, additions and	
48	establishment of new resources	
50	regarding the Maine Youth Center;	
52	for establishing a multipurpose	
	correctional facility with reception,	
	diagnostic, mental health, medical	
	and geriatric services; and for	
	possible future uses for the	
	Maine State Prison	
	DEPARTMENT OF CORRECTIONS	
	TOTAL	<u>\$20,250,000</u>

46 **Sec. 7. Elimination of "East Wing Annex."** The area of the
48 Maine State Prison presently designated as the "East Wing Annex"
50 may not be used as a residential area unless it is renovated to
52 meet American Correctional Association standards. This provision
is effective immediately upon the occupation of any portion of
the proposed maximum-security facility in South Warren.

2 **Sec. 8. Transfer between items.** The amounts listed after the
3 items in section 6 of this Act are to be construed as a guide.
4 Any of the amounts may be exceeded with the approval of the
5 Governor by transfer from one item to another of an amount not
6 exceeding 10% of the aggregate.

7 **Sec. 9. Contingent upon ratification of bond issue.** Sections 1 to
8 6 shall not become effective unless and until the people of the
9 State have ratified the issuance of bonds as set forth in this
10 Act.

11 **Sec. 10. Appropriation balances at year end.** At the end of each
12 fiscal year, all unencumbered appropriation balances representing
13 state money shall carry forward from year to year. Bond proceeds
14 which have not been expended within 10 years after the date of
15 the sale of the bonds shall lapse to General Fund debt service.

16 **Sec. 11. Bonds authorized but not issued.** Any bonds authorized
17 but not issued, or for which bond anticipation notes have not
18 been issued within 5 years of ratification of this Act, shall be
19 deauthorized and may not be issued, provided that the Legislature
20 may, within 2 years after the expiration of that 5-year period,
21 extend the period for issuing any remaining unissued bonds or
22 bond anticipation notes for an additional amount of time not to
23 exceed 5 years.

24 **Sec. 12. Referendum for ratification; submission at general election;**
25 **form of question; effective date.** This Act shall be submitted to the
26 legal voters of the State of Maine at the next general election
27 in the month of November following passage of this Act. The city
28 aldermen, town selectmen and plantation assessors of this State
29 shall notify the inhabitants of their respective cities, towns
30 and plantations to meet, in the manner prescribed by law for
31 holding a general election, to vote on the acceptance or
32 rejection of this Act by voting on the following question:

33 "Shall a bond issue be authorized in the amount of
34 \$20,250,000 to build, purchase, plan and renovate
35 correctional facilities and to study future operation needs?"

36 The legal voters of each city, town and plantation shall
37 vote by ballot on this question and shall designate their choice
38 by a cross or check mark placed within a corresponding square
39 below the word "Yes" or "No." The ballots shall be received,
40 sorted, counted and declared in open ward, town and plantation
41 meetings and returns made to the Secretary of State in the same
42 manner as votes for members of the Legislature. The Governor
43 shall review the returns and, if it appears that a majority of
44 the legal voters are in favor of the Act, the Governor shall

