

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

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H.P. 1800

House of Representatives, April 3, 1990

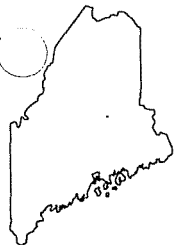
Reported by the Minority from the Joint Select Committee on Corrections pursuant to H.P. 1483 and printed under Joint Rule 2.

Ed Pert
EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Authorize 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
4 deeming it necessary in accordance with the Constitution of
6 Maine, Article IX, Section 14, to authorize the issuance of bonds
 on behalf of the State of Maine to provide funds for
 construction, planning, purchasing and renovation of correctional
 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,**
12 **purchasing and renovation of correctional facilities.** The Treasurer of
14 State is authorized, under the direction of the Governor, to
16 issue from time to time registered bonds in the name and behalf
18 of the State to an amount not exceeding \$20,250,000 for the
20 purpose of raising funds to provide for construction, planning,
22 purchasing and renovation of correctional facilities as
 authorized by section 6. The bonds shall be deemed a pledge of
 the full faith and credit of the State. The bonds shall not run
 for a longer period than 10 years from the date of the original
 issue of the bonds. Any issuance of bonds may contain a call
 feature at the discretion of the Treasurer of State with the
 approval of the Governor.

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

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

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

50 **Sec. 5. Disbursement of bond proceeds.** The proceeds of the
 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 | 224-bed medium-security facility to be built in the I-95 corridor | \$14,250,000 |
| 12 | | |
| 14 | 50-bed prerelease center in Cumberland County or York County | 1,400,000 |
| 16 | | |
| 18 | 2 community-based diversion and restitution centers in Androscoggin County and Penobscot County | 2,800,000 |
| 20 | | |
| 22 | 50-bed minimum-security housing unit and improvements to sewerage treatment facilities at the Downeast Correctional Center | 1,500,000 |
| 24 | | |
| 26 | Establishment of a women's prerelease unit in Hallowell | 50,000 |
| 28 | | |
| 30 | Feasibility studies for future operations, additions and establishment of new resources regarding the Maine Youth Center; 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 | 250,000 |

36 **DEPARTMENT OF CORRECTIONS**
38 **TOTAL**

\$20,250,000

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

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

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

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

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

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

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

The legal voters of each city, town and plantation shall
vote by ballot on this question and shall designate their choice
by a cross or check mark placed within a corresponding square
below the word "Yes" or "No." The ballots shall be received,
sorted, counted and declared in open ward, town and plantation
meetings and returns made to the Secretary of State in the same
manner as votes for members of the Legislature. The Governor
shall review the returns and, if it appears that a majority of
the legal voters are in favor of the Act, the Governor shall
proclaim that fact without delay, and the Act shall become
effective 30 days after the date of the proclamation.

2 The Secretary of State shall prepare and furnish to each
city, town and plantation all ballots, returns and copies of this
Act necessary to carry out the purpose of this referendum.

4
6 **STATEMENT OF FACT**

8 This bill represents the recommendations of the minority of
the Joint Select Committee on Corrections.

10 The funds provided by this bond issue, in the amount of
\$20,250,000, will be used for construction, planning, purchase
12 and renovation of correctional facilities. The bond issue would
fund a 224-bed medium-security facility in the I-95 corridor, a
14 50-bed prerelease center in York County or Cumberland County, 2
community restitution centers in Penobscot County and
16 Androscoggin County, a 50-bed minimum-security housing unit and
improvements to the sewerage treatment facility at the Downeast
18 Correctional Center, a women's prerelease center in Hallowell,
and feasibility studies regarding the Maine Youth Center, a
20 multipurpose center and the future of the Maine State Prison.

22 The bill requires that when prisoners are moved to the new
maximum-security facility in South Warren, the "East Wing Annex"
24 of the Maine State Prison may no longer be used unless it is
upgraded to meet American Correctional Association standards.

26
28 The bill requires the bond issue to be decided by the voters
in the next general election in the month of November following
passage of the bill.