

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

---

Legislative Document

No. 534

S.P. 207

In Senate, February 12, 1991

Reference to the Joint Select Committee on Corrections suggested and ordered printed.

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

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator BUSTIN of Kennebec

Cosponsored by Representative MELENDY of Rockland and Representative MAYO of Thomaston.

---

STATE OF MAINE

---

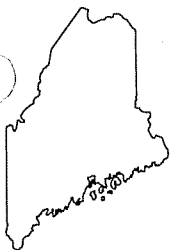
IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

---

**An Act Pertaining to Community Corrections Programs.**

---

(EMERGENCY)



Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, during the Second Regular Session of the 114th Legislature, the Department of Corrections was directed to hold back a certain percentage of community corrections funds pending demonstration by counties that the funds will be used for community corrections programs; and

Whereas, the intent of the original legislation was that county funds be maintained separately and earn interest; and

Whereas, counties are losing interest on funds held back by the State; and

Whereas, in the face of county jail crowding, counties have a critical need for community corrections funds; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**34-A MRSA §1210, sub-§6-A, as enacted by PL 1989, c. 887, §9, is amended to read:**

**6-A. Funds to be used for community corrections programs.** Thirty percent of all funds claimed by each county for reimbursement under this section must be retained by the department until the county demonstrates that the retained funds will be used for community corrections programs, as described in subsection 1, paragraph B, that are developed as part of a comprehensive local plan approved by the commissioner. Two-thirds of the retained funds must be retained until the county demonstrates that the funds will be used for adult programs, and 1/3 of the retained funds must be retained until the county demonstrates that the funds will be used for juvenile diversion programs. All funds retained by the department under this subsection must be transferred to an interest-bearing dedicated revenue account, and accrued interest must be paid to a county when that county's funds are released. All funds retained by the department under this subsection not released by the end of the year may not lapse, but must be carried forward into subsequent years, with each county's funds carried over for that county. Annually, by September 1st, the commissioner shall submit to the committee of the Legislature having jurisdiction over corrections matters a report of the activity in the prior

2 fiscal year of the funds retained under this subsection,  
including the following:

4 A. The amount retained from each county;

6 B. The amount of any funds that have been carried over from  
previous fiscal years for each county;

8 C. The amount released to each county; and

10 D. The specific programs for which funds were released for  
12 each county, including an indication of whether each program  
serves juveniles or adults.

14 **Emergency clause.** In view of the emergency cited in the  
16 preamble, this Act takes effect when approved.

18 **STATEMENT OF FACT**

20 During the Second Regular Session of the 114th Legislature,  
22 a community corrections "hold back" was created, directing the  
Department of Corrections to hold back 30% of community  
24 corrections funds until counties demonstrate that the funds will  
be used for community corrections programs. Inadvertently left  
26 out of the legislation was a provision setting the funds aside in  
a special interest-bearing account to allow the counties to  
28 collect their interest when their funds are released. This bill  
corrects the oversight.

30