



# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

Legislative Document

No. 802

H.P. 559

House of Representatives, February 25, 1991

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

#### EDWIN H. PERT, Clerk

Presented by Representative MAYO of Thomaston.

Cosponsored by Representative ANTHONY of South Portland, Representative GWADOSKY of Fairfield and Representative McKEEN of Windham.

STATE OF MAINE

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

An Act to Authorize a General Fund Bond Issue in the Amount of \$35,000,000 for Construction, Planning, Purchasing and Renovation of Correctional Facilities.

Two thirds of both Houses of the Legislature Preamble. deeming it necessary in accordance with the Constitution of 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.

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

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#### PART A

12 Sec. A-1. Authorization of bonds to provide for construction, planning, purchasing and renovation of correctional facilities. The 14 Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and behalf of the State in amount not exceeding \$35,000,000 16 an to raise funds for construction, planning, purchasing and renovation of correctional facilities as authorized by section 6 of this Part. The bonds 18 are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date 20 of the original issue of the bonds. At the discretion of the Treasurer of State, with the approval of the Governor, 22 anv issuance of bonds may contain a call feature.

Sec. A-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 bonds, showing the number and amount of each, the date when payable and the date of delivery of the bonds to the Treasurer of State. The Treasurer of State shall keep an account of each bond 30 showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale 32 and the date when payable.

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

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Sec. A-4. Interest and debt retirement. The Treasurer of State shall pay interest due or accruing on any bonds issued under this Act and all sums coming due for payment of bonds at maturity.

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Sec. A-5. Disbursement of bond proceeds. The proceeds of the bonds must be expended as set out in section 6 of this Part under the direction and supervision of the Director of Public Improvements in consultation with the Commissioner of Corrections.

Sec. A-6. Allocations from General Fund bond issue; correctional facilities. The proceeds of the sale of bonds must be expended as designated in the following schedule.

#### **10** CORRECTIONS, DEPARTMENT OF

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12	300 medium-security beds in facility to be constructed in the Interstate 95 corridor	\$22,500,000
14	between Kittery and Waterville	
16	50-bed prerelease center in Cumberland County or York County	1,400,000
18	2 community-based diversion and restitution	2,800,000
20	centers in Androscoggin County and Penobscot County	2,000,000
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24	50-bed minimum security housing unit and improvements to sewerage treatment facilities at the Downeast Correctional Center	1,500,000
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28	Reconstruction and renovations at the Maine State Prison at Thomaston	6,500,000
30	Establishment of a women's prerelease unit in Hallowell	50,000
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34	Feasibility studies for future operations, additions and establishment of new resources regarding the Maine Youth Center; for	250,000
36	establishing a multipurpose correctional	
	facility with reception, diagnostic, mental	
38	health, medical and geriatric services; and for possible future uses for the Maine State	
40	Prison	
42	DEPARTMENT OF CORRECTIONS	
42	TOTAL	\$35,000,000
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	Sec. A-7. Contingent upon ratification of bond issue.	
46	to A-6 do not become effective unless the people have ratified the issuance of bonds as set forth in t	
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Sec. A-8. Appropriation balances at year end. At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have

not been expended within 10 years after the date of the sale of the bonds lapse to General Fund debt service.

Sec. A-9. Bonds authorized but not issued. Any bonds authorized but not issued, or for which bond anticipation notes are not issued within 5 years of ratification of this Act. are deauthorized and may not be issued; except that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds or bond anticipation notes for an additional amount of time not to exceed 5 years.

Sec. A-10. Referendum for ratification; submission at statewide 14 election: form of question: effective date. This Act must be submitted to the legal voters of the State of Maine at a statewide election held on the Tuesday following the first Monday of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, 18 towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or 20 rejection of this Act by voting on the following question:

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"Do you favor a \$35,000,000 bond issue for construction, planning, purchasing and renovation of correctional facilities and the study of future operation needs?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a 28 cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, 30 counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as 32 votes for members of the Legislature. The Governor shall review the returns and, if a majority of the legal votes are cast in 34 favor of the Act, the Governor shall proclaim the result without delay, and the Act becomes effective 30 days after the date of 36 the proclamation.

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.

#### PART B

Elimination of "East Wing Annex." The area of the Maine State Prison presently designated as the "East Wing Annex" may not be used as a residential area unless it is renovated to meet American Correctional Association Standards. This provision is effective immediately upon the occupation of any portion of the proposed medium-security facility as proposed in Part A.

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### STATEMENT OF FACT

6 Part A of this bill authorizes the issuance of a bond issue. The funds provided by this bond issue, in the amount of 8 \$35,000,000, will be used to construct, plan, purchase and renovate correctional facilities.

Part B of this bill, which is effective upon the occupation of any portion of the medium-security facility proposed in Part A, provides that the East Wing Annex of the Maine State Prison may not be used as a residential area unless it is renovated to meet American Correctional Association Standards.

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