

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 998, L.D. 1447, Bill, "An Act Transferring County Jail Operations to the State"

Amend the bill by striking out the title and substituting the following:

'An Act to Create the Commission on Transferring County Jails to the State'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. Commission on Transferring County Jails to the State.

1. The Commission on Transferring County Jails to the State is established.

2. The commission consists of 11 members as follows:

A. One member of the Senate appointed by the President of the Senate;

B. Two members of the House of Representatives, one representing the party with the largest number of members and one representing the party with the next largest number of members, appointed by the Speaker of the House of Representatives;

C. One member from each of the following organizations appointed by the Governor from a list of at least 2 candidates submitted by these organizations:

(1) The Maine County Commissioners' Association;

(2) The Maine Sheriffs' Association;

(3) The Maine Municipal Association;

2 (4) The Department of Corrections;

4 (5) The Maine State Employees Association; and

6 (6) The American Federation of State, County and
Municipal Employees; and

8 D. Two members of the general public appointed by the
10 Governor. These members and their parents and children may
not have any employment, financial or other interest in the
12 subject matter of this study.

14 All appointments must be made no later than 30 days following the
effective date of this Act. All appointing authorities shall
16 notify the Executive Director of the Legislative Council when the
selections have been made.

18 3. The Governor shall designate the convener from among the
Governor's appointees. At the conclusion of its first meeting,
20 the commission shall select a permanent chair and vice-chair from
among its members.

22 4. The convener shall convene the first meeting of the
24 study group within 60 days of the effective date of this Act. If
the first meeting is not convened within this time period, the
26 chair of the Legislative Council may convene the first meeting.

28 5. A quorum for any commission meeting is 1/2 the members
appointed at the time of the meeting.

30 6. The commission shall make a study and develop a method
32 of implementing the transfer of the operations of county jails to
the State, including a timetable for the transitional process.
34 The commission shall include in its study the following issues:

36 A. The functional role of county jails pertaining to who
will be confined and for how long;

38 B. The degree to which the jails should have vocational,
40 educational and work-release programs;

42 C. The mechanics of transferring bond obligations to the
State and the allocation of financial obligation for those
44 bonds;

2 D. The transfer of seniority rights and eligibility of
appointment to state positions for county jail employees,
4 together with any related issues of collective bargaining
rights; and

6 E. All statutory changes required to implement the transfer.

8 7. The Legislative Council may provide staffing to the
commission during any interim.

10 8. The members of the commission who are Legislators are
12 entitled to receive the legislative per diem as defined in the
Maine Revised Statutes, Title 3, section 2 for each day's
14 attendance at commission meetings.

16 Legislative members and public members, as identified in
subsection 1, paragraph D, must be paid reimbursement for travel
18 and other necessary expenses, upon application to the Legislative
Council. Those members identified in subsection 1, paragraph C
20 may not be paid per diem or expenses.

22 9. The commission shall make an interim progress report to
the joint standing committee of the Legislature having
24 jurisdiction over correction matters by April 15, 1993 and shall
present its findings together with any recommended legislation
26 for transferring county jails to the State in a final report to
the committee before January 1, 1994. The committee shall submit
28 legislation to the Second Regular Session of the 116th
Legislature to implement the transfer of county jails to the
30 State. The commission terminates upon submission of its final
report.

32 10. The Executive Director of the Legislative Council shall
34 administer the commission's budget.

36 **Sec. 2. Appropriation.** The following funds are appropriated
from the General Fund to carry out the purposes of this Act.

38 1992-93

40 **LEGISLATURE**

42 **Commission on Transferring**
44 **County Jails to the State**

46	Personal Services	\$2,850
48	All Other	5,250

COMMITTEE AMENDMENT "A" to H.P. 998, L.D. 1447

2 Provides funds to the Commission on
3 Transferring County Jails to the State for
4 the per diem of legislative members,
5 expenses for legislative and public members
6 and miscellaneous commission expenses.

7 **LEGISLATURE**
8 **TOTAL**

\$8,100

10 **FISCAL NOTE**

12 **1992-93**

14 **APPROPRIATIONS/ALLOCATIONS**

16 General Fund

\$8,100

18
19 This bill requires a General Fund appropriation of \$8,100 in
20 fiscal year 1992-93 to the Legislature for the Commission on
21 Transferring County Jails to the State for the per diem of
22 legislative members, expenses of legislative and public members
23 and miscellaneous commission expenses. The Department of
24 Corrections can absorb the costs related to its membership on the
25 commission. The Legislature can absorb the costs related to
26 staffing the commission during any interim between legislative
27 sessions.'

28
29 **STATEMENT OF FACT**

30
31 The original bill made the statutory changes required to
32 transfer county jails to the State. This amendment eliminates
33 the provisions of the bill that transferred the county jails to
34 the State and, instead, sets up the Commission on Transferring
35 County Jails to the State to develop the method and timetable for
36 implementing the transferral. The commission is required to make
37 an interim report by April 15, 1993 and a final report with
38 recommended statutory changes by January 1, 1994.

39
40 The amendment also adds an appropriation and a fiscal note
41 to the bill.
42

Reported by the Majority of the Joint Select Committee on Corrections.
Reproduced and distributed under the direction of the Clerk of the House.

(2/25/92)

(Filing No. H-979)