

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1994

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Legislative Document

No. 1982

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H.P. 1454

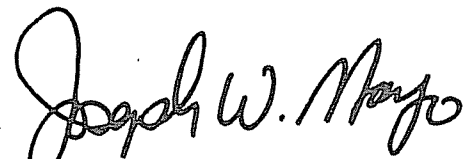
House of Representatives, March 23, 1994

**An Act Regarding the Department of Corrections.**

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Reported by Representative ERWIN for the Joint Standing Committee on Audit and Program Review pursuant to the Maine Revised Statutes, Title 3, chapter 33.

Reference to the Joint Standing Committee on Audit and Program Review suggested and printing ordered under Joint Rule 20.

  
JOSEPH W. MAYO, Clerk

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

2  
4 Sec. 1. 5 MRSA §1742-E is enacted to read:

6 §1742-E. Capital improvement plan

8 For the purposes of this section, "capital improvement"  
10 means any capital expenditure that exceeds \$5,000 and is expected  
12 to have a useful life of at least 3 years.

14 In conjunction with all departments and agencies in the  
16 executive, legislative and judicial branches of State Government,  
18 the bureau shall coordinate the development of a 10-year capital  
20 improvement plan for the purpose of addressing the capital  
22 improvement needs of all departments and agencies of State  
24 Government in an orderly and methodical manner. At a minimum,  
26 the capital improvement plan must include:

28 1. Needs. All anticipated capital improvement needs  
30 spanning the succeeding 10-year period;

32 2. Costs; funding. The estimated cost of each anticipated  
34 capital improvement and all probable funding sources;

36 3. Year; expense. The year in which the expense is  
38 expected to be incurred;

40 4. Explanation; justification. An explanation of the need  
42 for the capital expenditure and a justification that the  
44 anticipated capital expenditure is more cost-effective than other  
46 alternatives that may be available to meet the needs of the  
48 department or agency;

50 5. Disposition; transformation. An explanation of the  
actual or proposed disposition or transformation of facilities  
that are unused or unneeded, as well as a comprehensive inventory  
of these facilities; and

6. Inventory; facilities. An inventory of all facilities  
owned or leased by the State, as well as a comparison of the cost  
of leasing versus the cost of ownership.

The Governor shall approve the capital improvement plan and  
submit that plan simultaneously with the Governor's biennial  
budget for the approval of the joint standing committee of the  
Legislature having jurisdiction over appropriations and financial  
affairs. The capital improvement plan must be updated at least  
every 2 years in preparation for submission pursuant to this  
section.

2        The first capital improvement plan must be prepared and  
3        submitted to the First Regular Session of the 117th Legislature.

4        **Sec. 2. 20-A MRSA §15612, sub-§13**, as enacted by PL 1989, c.  
5        875, Pt. E, §32, is amended to read:

6  
7        **13. Adjustment limitations.** The amounts of the adjustments  
8        paid to school administrative units or municipalities in  
9        subsections 1, 2, 4, 6, 7, 10, 11 and 12 and 15 are limited to  
10       the amounts appropriated by the Legislature for these adjustments.

11       **Sec. 3. 20-A MRSA §15612, sub-§15** is enacted to read:

12  
13       **15. Maine Youth Center adjustment.** Beginning in fiscal  
14       year 1995-96, a payment must be made annually to the Maine Youth  
15       Center based on the number of school-aged persons at the  
16       facility. The elementary portion of the payment must be equal to  
17       the number of elementary-aged students at the facility on October  
18       1st of the year of allocation multiplied by the elementary  
19       foundation per pupil operating rate for the same year. The  
20       secondary portion of the payment must be equal to the number of  
21       secondary-aged students at the facility on October 1st of the  
22       year of allocation multiplied by the secondary foundation per  
23       pupil operating rate for the same year. As used in this  
24       subsection, unless the context otherwise indicates, "age" means  
25       the age of the student on October 1st of the year of allocation.  
26       The age span to be used for the elementary portion of the  
27       computation must be 6 years of age or older to under 15 years of  
28       age. The age span to be used for the secondary portion of the  
29       computation must be 15 years of age or older and under 20 years  
30       of age.

31  
32       **Sec. 4. 34-A MRSA §1403, sub-§10** is enacted to read:

33  
34       **10. Inmate benefit welfare account.** The commissioner shall  
35       provide an accounting of all inmate benefit welfare accounts and  
36       of the student welfare fund at the Maine Youth Center each fiscal  
37       year to the joint select committee of the Legislature having  
38       jurisdiction over corrections matters. The annual accounting  
39       must include total income for the year, total expenditures for  
40       the year, anticipated capital and operating expenditures from  
41       these accounts in the next fiscal year and balances in the  
42       accounts. Nothing in this subsection may change the nature of  
43       these accounts as internal management tools.

44  
45       **Sec. 5. 34-A MRSA §3047, sub-§2**, as corrected by RR 1991, c.  
46       1, §48, is amended to read:

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48       **2. Money.** May give the prisoner an amount equal to the net  
49       salary of a single wage earner with no more-than dependents for  
50       40 hours of work at minimum wage less all applicable state and  
51       federal deductions provided that any amount in excess of \$50 may  
52

2 not be provided by the General Fund, except that the commissioner  
may not give money to a prisoner who:

4 A. Has, within the 6 months prior to the date of parole or  
6 discharge, transferred from the clients' account to any  
person more than \$500, excluding any money transferred for  
8 the support of dependents; or

10 B. Has, on the date of parole or discharge, more than \$500  
in personal assets;

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14

#### STATEMENT OF FACT

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This bill requires the development of a capital improvement  
18 plan for all departments and agencies of State Government,  
provides funds from the general purpose aid account for the  
20 students at the Maine Youth Center, requires the Commissioner of  
Corrections to report annually on certain internal accounts and  
22 amends the provision regarding gate money that may be provided to  
a prisoner upon release.