

# MAINE STATE LEGISLATURE

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L.D. 1120

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DATE: 5/22/95

(Filing No. H-287 )

**CRIMINAL JUSTICE**

10 Reproduced and distributed under the direction of the Clerk of  
12 the House.

14 **STATE OF MAINE**  
16 **HOUSE OF REPRESENTATIVES**  
18 **117TH LEGISLATURE**  
20 **FIRST REGULAR SESSION**

22 COMMITTEE AMENDMENT "*A*" to H.P. 803, L.D. 1120, Bill, "An  
24 Act to Restore State Funding for State Expenses at County Jails"

26 Amend the bill by striking out everything after the title  
28 and before the statement of fact and inserting in its place the  
30 following:

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

34 **Sec. 1. 34-A MRSA §1210, sub-§2, as amended by PL 1993, c.**  
36 **410, Pt. P, §1, is further amended to read:**

38 **2. Reimbursement.** Except as provided in subsection 6-A,  
40 the department shall, under this section, reimburse each county  
42 quarterly for each actual day served at that county correctional  
44 facility by:

46 A. Persons convicted of a Class A, Class B or Class C crime  
48 sentenced after March 31, 1987, to serve a term of  
imprisonment pursuant to Title 17-A, section 1203,  
subsection 1, or section 1252, subsection 1; and

B. Persons convicted of a Class A, Class B or Class C crime  
sentenced after December 31, 1988, to serve a term of  
imprisonment pursuant to Title 17-A, section 1203,  
subsection 1 or section 1252, subsection 1.

Reimbursement for periods after June 30, 1987 may not be  
authorized until the reimbursable costs for the operations of the  
jail are agreed upon by the commissioner and the county  
commissioners for that county. Reimbursable costs for the

**COMMITTEE AMENDMENT**

R. d. S.

COMMITTEE AMENDMENT "A" to H.P. 803, L.D. 1120

2 operations of the jail must, to the extent practicable, be  
mutually agreed upon prior to the actual expenditures of funds  
4 for those costs. Prior approval of all capital expenditures is  
required for reimbursement of that expense item. If the  
6 commissioner and the county commissioners are unable to agree  
upon reimbursable costs, they shall jointly select an arbitrator  
8 to determine those costs. The arbitrator's decision is final and  
both the commissioner and the county commissioners are bound by  
that decision.

10 ~~The obligation of the Department of Corrections to reimburse~~  
12 ~~counties pursuant to this section may not exceed the actual~~  
14 ~~amount appropriated during fiscal year 1993-94 and fiscal year~~  
~~1994-95.~~

16 **Sec. 2. Effective date.** This Act takes effect July 1, 1997.'

18 Further amend the bill by inserting at the end before the  
statement of fact the following:

20 **'FISCAL NOTE**

22 The Governor's proposed current services budget includes  
24 changes that may affect this bill's impact on the Department of  
Corrections' obligation to reimburse counties in future fiscal  
26 years. This assessment of the fiscal impact may need to be  
adjusted based on final legislative actions on the current  
28 services budget.'

30 **STATEMENT OF FACT**

32 This amendment replaces the bill. The amendment repeals the  
34 provision that limits the Department of Corrections'  
reimbursement of community corrections funds to the counties to  
36 the actual amount appropriated in fiscal years 1993-94 and  
1994-95. This repeal takes effect July 1, 1997, so the  
38 department must budget the full cost of reimbursements to the  
counties into its budget beginning in that year. The amendment  
40 also adds a fiscal note to the bill.

**COMMITTEE AMENDMENT**