

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

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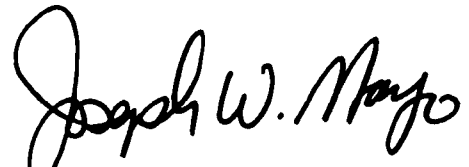
H.P. 1095

House of Representatives, May 23, 1995

**An Act to Permit a One-time Transfer of Uncommitted Funds for
Community Corrections Programs.**

(EMERGENCY)

Reported by Representative KERR for the Joint Standing Committee on Appropriations
and Financial Affairs pursuant to H.P. 1088.


JOSEPH W. MAYO, Clerk

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

4 Whereas, the counties have not been fully reimbursed for the
6 costs of care of state prisoners in county jails; and

8 Whereas, without full reimbursement, the counties are
burdened by the continuing costs of jail operations incurred by
10 housing state prisoners; and

12 Whereas, a one-time proportionate transfer of uncommitted
funds for community corrections programs to offset some of these
14 county jail costs would greatly aid certain counties; and

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

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

24 **Sec. 1. 34-A MRSA §1210, sub-§4,** as amended by PL 1989, c.
127, §1, is further amended to read:

26 **4. Verification of commitment; actual days served.** As a
28 condition of reimbursement, the department shall require the
county to submit appropriate documentation verifying the court
30 commitment and the actual number of days served for each prisoner
for which reimbursement is requested. Documentation shall must
32 include, but is not be limited to:

34 A. An invoice provided by the Department of Corrections,
completed by the county, listing all prisoners for which
36 reimbursement is requested for the quarter;

38 B. One copy of the actual Court Judgment and Commitment
Order, including class of crime, for each prisoner listed in
40 the invoice submitted;

42 C. One copy of each Release Date Computation Sheet showing
the actual number of days served by each prisoner included
44 in the invoice submitted; and

46 D. By February 1st of each calendar year, ~~the county shall~~
provide, in a format provided by the ~~Department--of~~
48 ~~Corrections~~ department, a copy of actual expenditures for
the support of prisoners for the previous calendar year. The
50 Department of Audit shall establish, in consultation with

2 the counties and the ~~Department of Corrections~~ department, a
uniform system of accounting for the support of prisoners
4 for the counties pursuant to its authority in Title 5,
section 243 and consistent with the requirements of this
6 section. No county may be reimbursed after July 1, 1987,
until it has implemented the uniform accounting system for
the expenditure for support of prisoners.

8
10 In any fiscal year in which the actual amount appropriated for
reimbursement to counties is less than the reimbursable costs the
department projects, the department, notwithstanding the other
provisions of this subsection, may reimburse counties prior to
receiving the documentation required quarterly under this
subsection.

16 **Sec. 2. 34-A MRSA §1210, sub-§6-A**, as amended by PL 1993, c.
517, §1, is further amended to read:

18
20 **6-A. Funds to be used for community corrections programs.**
Thirty percent of all funds claimed by each county for
22 reimbursement under this section must be retained by the
department until the county demonstrates that the retained funds
24 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. One half
26 of the retained funds must be retained until the county
demonstrates that the funds will be used for adult programs, and
28 1/2 of the retained funds must be retained until the county
demonstrates that the funds will be used for juvenile programs.
30 All funds retained by the department under this subsection not
released by the end of the year may not lapse, but must be
32 carried forward into subsequent years, with each county's funds
carried over for that county. A county may shift funds from the
34 funds retained and available for adult programs pursuant to this
subsection to juvenile diversion programs. All funds not
36 committed by any county after 3 years from the date the county's
claim is approved by the department must be placed by the
38 department in a pool from which supplementary funds periodically
must be made available to all counties on a competitive basis.
40 Annually, by September 1st, the commissioner shall submit to the
joint standing committee of the Legislature having jurisdiction
42 over corrections matters a report of the activity in the prior
fiscal year of the funds retained under this subsection,
44 including the following:

- 46 A. The amount retained from each county;
- 48 B. The amount of any funds that have been carried over from
previous fiscal years for each county;
- 50 C. The amount released to each county; and

