

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

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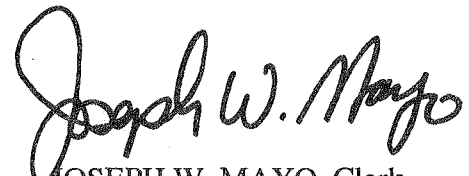
H.P. 39

House of Representatives, January 9, 1997

**An Act to Provide Reimbursement to Counties for Persons Jailed on
Probation Revocations.**

(EMERGENCY)

Reference to the Committee on Criminal Justice suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative WHEELER of Bridgewater.
Cosponsored by Senator FERGUSON of Oxford and
Representatives: BUNKER of Kossuth Township, CLUKEY of Houlton, McALEVEY of
Waterboro, O'NEAL of Limestone, PAUL of Sanford, PINKHAM of Lamoine.

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

4
6 **Whereas,** currently, a county is entitled to reimbursement
for housing prisoners convicted of a Class A, B or C crime in
that county's jail; and

8
10 **Whereas,** a county is not entitled to reimbursement for
housing prisoners whose probations are revoked and who are
sentenced to a county jail; and

12
14 **Whereas,** this disparity in reimbursement causes the counties
to incur a loss of revenue; and

16 **Whereas,** it is necessary to correct this disparity as
quickly as possible; and

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

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

26 **Sec. 1. 34-A MRSA §1210, sub-§2,** as amended by PL 1995, c.
28 665, Pt. MM, §1 and affected by §3, is further amended to read:

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

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

40 B. Persons convicted of a Class A, Class B or Class C crime
sentenced after December 31, 1988, to serve a term of
42 imprisonment pursuant to Title 17-A, section 1203,
subsection 1 or section 1252, subsection 1 or section 1206,
44 if the defendant is sentenced pursuant to a probation
revocation to a county jail, regardless of where the
46 initial, unsuspended portion of the imprisonment occurred.

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

2 mutually agreed upon prior to the actual expenditures of funds
4 for those costs. Prior approval of all capital expenditures is
6 required for reimbursement of that expense item. If the
8 commissioner and the county commissioners are unable to agree
upon reimbursable costs, they shall jointly select an arbitrator
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
amount appropriated during fiscal years 1993-94, 1994-95, 1995-96
and 1996-97.

14 Notwithstanding any other statutory provision, funds provided as
16 reimbursement to counties for housing state prisoners must be
used to reduce the assessment of each municipality within the
18 county for their due proportion of any county tax payable during
the municipal year for which municipal taxes are being raised.
20 County commissioners shall deduct from the total amount required
to be assessed for county purposes an amount equal to the amount
22 that the county commissioners estimate will be received pursuant
to this subsection.

24 **Sec. 2. 34-A MRSA §1210, sub-§2**, as amended by PL 1995, c.
26 665, Pt. MM, §2 and affected by §3, is further amended to read:

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

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

38 B. Persons convicted of a Class A, Class B or Class C crime
sentenced after December 31, 1988 to serve a term of
40 imprisonment pursuant to Title 17-A, section 1203,
subsection 1 or section 1252, subsection 1 or section 1206,
42 if the defendant is sentenced pursuant to a probation
revocation to a county jail, regardless of where the
44 initial, unsuspended portion of the imprisonment occurred.

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authorized until the reimbursable costs for the operations of the
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commissioners for that county. Reimbursable costs for the
50 operations of the jail must, to the extent practicable, be
mutually agreed upon prior to the actual expenditures of funds
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7 that decision.

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9 counties pursuant to this section may not exceed the actual
10 amount appropriated during fiscal years 1993-94, 1994-95, 1995-96
11 and 1996-97.

12 Notwithstanding any other statutory provision, funds provided as
13 reimbursement to counties for housing state prisoners must be
14 used to reduce the assessment of each municipality within the
15 county for their due proportion of any county tax payable during
16 the municipal year for which municipal taxes are being raised.
17 County commissioners shall deduct from the total amount required
18 to be assessed for county purposes an amount equal to the amount
19 that the county commissioners estimate will be received pursuant
20 to this subsection.

21 **Emergency clause.** In view of the emergency cited in the
22 preamble, this Act takes effect when approved.
23

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27 **SUMMARY**

28 This bill requires the Department of Corrections to
29 reimburse counties for persons sentenced to county jails for
30 probation revocations.