

MAINE STATE LEGISLATURE

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CRIMINAL JUSTICE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 40, L.D. 65, Bill, "An Act to Amend the Laws Regarding Reimbursement to the Counties for Community Corrections"

Amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

'Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Whereas, fair and efficient administration of the County Jail Prisoner Support and Community Corrections Fund to support payment of boarding state prisoners and community corrections is of great importance to the counties of this State; and

Whereas, it is the Legislature's intent that the transfer of funds to the counties and the Department of Corrections occur on July 1, 1998; and

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

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necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 34-A MRSA §1210, as amended by PL 1997, c. 533, §1, is repealed.

Sec. 2. 34-A MRSA §1210-A is enacted to read:

§1210-A. Community corrections

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Community corrections" means the delivery of correctional services for juveniles or adults in the least restrictive manner that ensures the public safety by the county or for the county under contract with a public or private entity. "Community corrections" includes, but is not limited to, preventive or diversionary correctional programs, pretrial release or conditional release programs, alternative sentencing or housing programs, electronic monitoring, residential treatment and halfway house programs, community correctional centers and temporary release programs from a facility for the detention or confinement of persons convicted of crimes or adjudicated delinquents.

2. Establishment of County Jail Prisoner Support and Community Corrections Fund. The County Jail Prisoner Support and Community Corrections Fund is established for the purpose of providing state funding for a portion of the counties' costs of the support of prisoners detained or sentenced to county jails and for establishing and maintaining community corrections as defined in subsection 1.

3. Distribution. Beginning July 1, 1998 and annually thereafter, the department shall distribute the County Jail Prisoner Support and Community Corrections Fund to counties based on the percent distribution of actual funds reimbursed to counties pursuant to former section 1210 in fiscal year 1996-97. The percent distribution per county is as follows:

A. Androscoggin: 8.5%;

B. Aroostook: 6.6%;

C. Cumberland: 17.6%;

- 2 D. Franklin: 2.4%;
4 E. Hancock: 3.3%;
6 F. Kennebec: 6.9%;
8 G. Knox: 6.4%;
10 H. Lincoln: 3.7%;
12 I. Oxford: 4.7%;
14 J. Penobscot: 13.7%;
16 K. Piscataquis: 1.3%;
18 L. Sagadahoc: 2.7%;
20 M. Somerset: 5.5%;
22 N. Waldo: 3.7%;
24 O. Washington: 1.8%; and
26 P. York: 11.2%.

28 4. Change in state funding of county jails. If a county
30 experiences at least a 10% increase in the total annual jail
32 operating budget or if a county issues a bond for the
34 construction of a new jail or renovation of an existing jail, the
36 county may file with the department a request for an increase in
38 the amount of state funds the county receives for the support of
 prisoners. The department shall review the request, and if the
 county demonstrates a need for the increase, the department shall
 forward the request to the joint standing committee of the
 Legislature having jurisdiction over corrections and criminal
 justice matters.

40 5. Community Corrections Program Account. Each county
42 treasurer shall place 20% of the funds received from the
44 department pursuant to this section into a separate community
 corrections program account. Funds placed in this account may be
 used only for adult or juvenile community corrections as defined
 in subsection 1.

46 6. Report. Beginning January 1, 1999 and annually
48 thereafter, each county shall submit a written report to the
50 joint standing committee of the Legislature having jurisdiction
 over corrections and criminal justice matters. Reports must

include descriptions of each county's community corrections programs and an accounting of expenditures for its community corrections.

7. Technical assistance. The commissioner shall provide technical assistance to counties and county advisory groups to aid them in the planning and development of community corrections.

8. Review. By July 1, 2001, the joint standing committee of the Legislature having jurisdiction over corrections and criminal justice matters shall review the County Jail Prisoner Support and Community Corrections Fund and its purpose and functions.

Sec. 3. One-time distribution of adult community corrections funds. Notwithstanding any other provision of law, on July 1, 1998 the Department of Corrections shall transfer to each county that county's unexpended and uncommitted adult community corrections funds remaining in the General Fund, Community-Based Corrections Account pursuant to the Maine Revised Statutes, Title 34-A, former section 1210, subsection 6 at the end of fiscal year 1997-98. Funds released under this section must be placed in a community corrections program account and may be used only for adult or juvenile community corrections.

Sec. 4. One-time distribution of juvenile funds. Notwithstanding any other provision of law, on July 1, 1998 any unexpended or uncommitted juvenile community corrections funds remaining in the General Fund, Community-Based Corrections Account pursuant to the Maine Revised Statutes, Title 34-A, former section 1210, subsection 6 at the end of fiscal year 1997-98 must be transferred to the Department of Corrections, General Fund, Correctional Services Account. The Department of Corrections shall use these funds for the purpose of maintaining or developing juvenile community corrections. The Department of Corrections may contract with counties in order to maintain current or develop new juvenile community corrections.

Sec. 5. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1998-99

CORRECTIONS, DEPARTMENT OF

Community Based Corrections

All Other (\$5,138,449)

R. W. S.

2 remaining 15%, \$770,767, to the Correctional Services program for
juvenile community corrections programs.

4 This bill also authorizes a one-time distribution of
unreleased funds. The amounts to be released during fiscal year
6 1998-99 can not be determined at this time, but it is estimated
that more than \$335,000 will be released to the counties and more
8 than \$310,000 will be transferred to the General Fund
Correctional Services program within the Department of
10 Corrections.

12 This bill requires counties to provide a written report to
the joint standing committee of the Legislature having
14 jurisdiction over criminal justice matters. The additional costs
of this state mandate are expected to be minimal. Pursuant to
16 the Mandate Preamble, the two-thirds vote of all members elected
to each House exempts the State from the constitutional
18 requirement to fund 90% of the additional local costs.

20 The Governor's proposed 1998-1999 supplemental budget as
amended by the Bureau of the Budget, L.D. 1950, includes \$321,131
22 and \$413,354 in fiscal years 1997-98 and 1998-99, respectively,
for Community Based Corrections. The amounts available for
24 transfer may need to be adjusted based on final legislative
actions on the supplemental budget.'

28 **SUMMARY**

30 The amendment replaces the bill and does the following.

32 1. It adds a mandate preamble, an emergency preamble and an
emergency clause.

34 2. It establishes the County Jail Prisoner Support and
36 Community Corrections Fund for the purpose of providing state
funding for a portion of the counties' costs of the support of
38 prisoners and for establishing and maintaining community
corrections.

40 3. It adds an appropriation section that transfers 85%
42 percent of the funds appropriated to the Department of
Corrections in fiscal year 1998-99 for Community Based
44 Corrections into the County Jail Prisoner Support and Community
Corrections Fund. Beginning July 1, 1999 and annually
46 thereafter, the amount transferred must equal the appropriation
of the previous year adjusted by a factor equal to the percent
48 change in the United States Bureau of Labor Statistics Consumer
Price Index. It further directs that 15% of the funds
50 appropriated to the Department of Corrections in fiscal

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1 year 1998-99 for Community Based Corrections be transferred to
2 the Department of Corrections General Fund, Correctional Services
3 Account for the purpose of maintaining or developing juvenile
4 community corrections. Beginning July 1, 1999 and annually
5 thereafter, the Department of Corrections shall budget an amount
6 equal to the appropriation of the previous year adjusted by a
7 factor equal to the percent change in the United States Bureau of
8 Labor Statistics Consumer Price Index.

10 4. It directs the Department of Corrections, beginning July
11 1, 1998 and annually thereafter, to distribute the County Jail
12 Prisoner Support and Community Corrections Fund to counties based
13 on the percent distribution of actual funds reimbursed to
14 counties pursuant to former Maine Revised Statutes, Title 34-A,
15 section 1210 in fiscal year 1996-97.

16 5. It permits counties that experience a 10% increase in
17 their total annual jail operating budget or who issue bonds for
18 new jail construction or jail renovation to request additional
19 funds for the support of prisoners.

20 6. It requires each county treasurer to place 20% of its
21 distribution from the County Jail Prisoner Support and Community
22 Corrections Fund into a separate community corrections program
23 account. Counties may use these funds only for adult or juvenile
24 community corrections.

25 7. It requires the joint standing committee of the
26 Legislature having jurisdiction over corrections and criminal
27 justice matters to review the County Jail Prisoner Support and
28 Community Corrections Fund and its purpose and functions no later
29 than July 1, 2001.

30 8. It requires the counties to submit an annual report to
31 the joint standing committee of the Legislature having
32 jurisdiction over corrections and criminal justice matters.
33 Reports must include descriptions of each county's community
34 corrections programs and an accounting of expenditures for
35 community corrections.

36 9. It directs the Department of Corrections to make a
37 one-time distribution to each county of that county's unexpended
38 and uncommitted adult community corrections funds remaining in
39 the General Fund, Community-Based Corrections Account pursuant to
40 former Maine Revised Statutes, Title 34-A, section 1210,
41 subsection 6 at the end of fiscal year 1997-98. Funds released
42 under this one-time distribution must be placed in a community
43 corrections program account and may be used only for adult or
44 juvenile community corrections.

2 10. It requires that on July 1, 1998, any unexpended or
4 uncommitted juvenile community corrections funds remaining in the
6 General Fund, Community-Based Corrections Account pursuant to
8 former Maine Revised Statutes, Title 34-A, section 1210,
subsection 6 at the end of fiscal year 1997-98 must be
transferred to the department's General Fund, Correctional
Services Account. The department shall use these funds for the
purpose of maintaining or developing juvenile community
corrections.

10 11. It permits the Department of Corrections to contract
12 with counties in order to maintain current or develop new
14 juvenile community corrections.

16 12. It adds an effective date of July 1, 1998.

13. It adds a fiscal note.