

MAINE STATE LEGISLATURE

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CRIMINAL JUSTICE

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**STATE OF MAINE
SENATE
118TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 834, L.D. 2232, Bill, "An Act to Improve the Delivery and Effectiveness of State Correctional Services"

Amend the bill by inserting after the enacting clause and before section 1 the following:

Sec. 1. 4 MRSA §1606, sub-§2, as amended by PL 1997, c. 523, §15, is further amended to read:

2. Limitation on securities issued. The authority may not issue securities in excess of \$60,000,000 outstanding at any one time, of which no less than \$30,000,000 must be specifically allocated to projects relating to the Judicial Branch, except for the issuance of revenue refunding securities authorized by section 1610 and securities issued under section 1610-A. The amount of securities that may be outstanding in the name of the authority may be increased by the Legislature upon a showing by the authority that its available revenues are sufficient to support additional issuance of securities and that the issuance of securities will not materially impair the credit standing of the authority, the investment status of securities issued by the authority or the ability of the authority to fulfill its commitments to holders of securities. Nothing in this chapter may be construed to authorize the authority to issue securities to fund the construction, reconstruction, purchase or acquisition of facilities without a 2/3 vote of approval in each House of the Legislature.

Sec. 2. 4 MRSA §1610-A is enacted to read:

§1610-A. Additional securities

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2 Notwithstanding any limitation on the amount of securities
 3 that may be issued pursuant to section 1606, subsection 2, the
 4 authority may issue additional securities in an amount not to
 5 exceed \$85,000,000 outstanding at any one time for correctional
 6 facilities.'

7 Further amend the bill in section 4 by striking out all of
 8 subsection 2 (page 1, lines 17 to 22 in L.D.) and inserting in
 9 its place the following:

10 '2. **Dispositional powers.** All of the dispositional powers
 11 of the Juvenile Court provided in section 3314 apply to a
 12 juvenile who is adjudicated to have committed a juvenile crime,
 13 except that no commitment to ~~the Maine Youth Center~~ a Department
 14 of Corrections juvenile correctional facility or other detention
 15 may be imposed for conduct described in subsection 1, paragraphs
 16 B and C.'

17 Further amend the bill in section 12 in that part designated
 18 "~~§3205.~~" in subsection 2 in the 4th and 5th lines (page 5, lines
 19 8 and 9 in L.D.) by striking out the following: "~~and any~~
 20 ~~commitment pursuant to section 3314, subsection 1, paragraph H~~"
 21 and inserting in its place the following: 'pursuant to section
 22 3203-A and any commitment pursuant to section 3314, subsection 1,
 23 paragraph H'

24 Further amend the bill by striking out all of section 18 and
 25 inserting in its place the following:

26 '**Sec. 18. 15 MRSA §3314, sub-§1, ¶H,** as amended by PL 1997, c.
 27 591, §1, is further amended to read:

28 H. The court may commit the juvenile to ~~the Maine Youth~~
 29 ~~Center~~ a Department of Corrections juvenile correctional
 30 facility and order that the disposition be suspended or may
 31 commit the juvenile for a period of detention that may not
 32 exceed 30 days, with or without an underlying suspended
 33 disposition to ~~the Maine Youth Center~~ a Department of
 34 Corrections juvenile correctional facility, which detention
 35 may be served intermittently as the court may order and must
 36 be ordered served in a detention facility approved or
 37 operated by the Department of Corrections exclusively for
 38 juveniles. The court may order such a disposition to be
 39 served as a part of and with a period of probation, which is
 40 subject to such provisions of Title 17-A, section 1204 as
 41 the court may order and which must be administered pursuant
 42 to Title 34-A, chapter 5, subchapter IV. Revocation of
 43 probation is governed by the procedure contained in
 44 subsection 2. Any disposition under this paragraph is
 45 subject to Title 17-A, section 1253, subsection 2, but not

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2 to Title 17-A, section 1253, subsection 3-B, 4, 5 or 8. Any
 3 disposition--under--this--paragraph--ordering--a--period--of
 4 detention--to--be--served--in--a--county-operated--detention
 5 facility--by--a--juvenile--from--another--county--is--governed--by
 6 section-1705.

7 **Sec. 19. 15 MRSA §3314, sub-§2**, as amended by PL 1995, c. 647,
 8 §3, is further amended to read:

10 **2. Suspended disposition.** The court may impose any of the
 11 dispositional alternatives provided in subsection 1, and may
 12 suspend its disposition and place the juvenile on a specified
 13 period of probation that is subject to such provisions of Title
 14 17-A, section 1204 as the court may order and that is
 15 administered pursuant to the provisions of Title 34-A, chapter 5,
 16 subchapter IV, except that in no case may the court impose the
 17 condition set out in Title 17-A, section 1204, subsection 1-A.
 18 The court may impose as a condition of probation that a juvenile
 19 reside outside the juvenile's home in a setting satisfactory to
 20 the juvenile caseworker if the court determines that reasonable
 21 efforts have been made to prevent or eliminate the need for
 22 removal of the juvenile from the juvenile's home and that
 23 continuation in the juvenile's home would be contrary to the
 24 welfare of the juvenile. Imposition of such a condition does not
 25 affect the legal custody of the juvenile.

26 Revocation of probation is governed by the procedure contained in
 27 Title 17-A, sections 1205, 1205-A and 1206, except that Title
 28 17-A, section 1206, subsection 7-A does not apply, provided that
 29 a disposition under subsection 1, paragraph F may be modified to
 30 a disposition under subsection 1, paragraph H. If a motion for
 31 revocation of probation is filed with the court and if the
 32 juvenile is being detained pending the court hearing, the court
 33 shall review within 5 days of the filing of the motion, excluding
 34 Saturdays, Sundays and legal holidays, the decision to detain the
 35 juvenile, if the court has not previously reviewed the decision.
 36 Following that review, the court shall order the juvenile's
 37 release unless the court finds, by a preponderance of the
 38 evidence, that continued detention is necessary to meet one of
 39 the purposes of detention under section 3203-A, subsection 4,
 40 paragraph C.'

42 Further amend the bill in section 19 in subsection 4 in the
 43 3rd and 4th lines (page 7, lines 37 and 38 in L.D.) by striking
 44 out the following: "~~or for a period of detention~~" and inserting
 45 in its place the following: 'or for a period of detention'

48 Further amend the bill in section 25 in paragraph A in the
 49 first line (page 10, line 29 in L.D.) by striking out the
 50 following: "child" and inserting in its place the following:
 'child juvenile'

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2 Further amend the bill in section 25 in paragraph A in the
3 2nd line (page 10, line 30 in L.D.) by striking out the
4 following: "correctional" and inserting in its place the
5 following: 'detention or correctional'

6
7 Further amend the bill in section 30 by striking out all of
8 subsection 11-A (page 11, lines 30 to 34 in L.D.) and inserting
9 in its place the following:

10
11 '11-A. **Juvenile detainee.** "Juvenile detainee" means a
12 juvenile detained at ~~the Maine Youth Center or a detention a~~
13 departmental juvenile facility pending a court proceeding,
14 pending a preliminary hearing under Title 17-A, section 1205 or
15 pursuant to Title 15, section 3314, subsection 1, paragraph H.'

16
17 Further amend the bill by inserting after section 40 the
18 following:

19
20 '**Sec. 41. Maine Governmental Facilities Authority; resolution for**
21 **issuance of securities.** Pursuant to the Maine Revised Statutes,
22 Title 4, section 1606, subsection 2, the Maine Governmental
23 Facilities Authority is authorized to issue securities in its own
24 name in an amount up to \$85,000,000 for the purpose of paying the
25 cost associated with the correctional facilities construction
26 projects located in Warren and Windham.

27
28 **Sec. 42. Allocation.** The proceeds from the sale of the
29 securities issued by the Maine Governmental Facilities Authority
30 pursuant to this Act must be expended as follows:

31
32 Correctional Facilities Construction \$85,000,000'

33
34 Further amend the bill by relettering or renumbering any
35 nonconsecutive Part letter or section number to read
36 consecutively.

37
38 Further amend the bill by inserting at the end before the
39 summary the following:

40
41
42 **'FISCAL NOTE**

43
44 The bill increases the bonding authority of the Maine
45 Governmental Facilities Authority by \$85,000,000. It proposes to
46 use this authority to issue securities up to that amount to
47 implement Phase I of the Adult Correctional Facilities Plan.
48 Based on the Department of Corrections' projected costs and debt
schedule, the total cost of the issuance will be approximately

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2 \$136,044,000, with principal costs of \$80,685,000 and interest
costs of \$55,359,000.

4 A portion of the proceeds from the sale of the bonds will be
used to establish a construction fund from which project
6 disbursements will be made. Interest earnings from the fund will
be used to offset principal and interest costs. The balance of
8 the proceeds from the sale will be used to establish a
capitalized interest fund.

10 The proposed debt service schedule provides that
12 interest-only payments will be made from the capitalized interest
fund until fiscal year 2002-03. The interest payments are
14 estimated to be \$2,000,000 in fiscal year 1998-99 and \$4,000,000
in each of fiscal years 1999-2000, 2000-01 and 2001-02.

16 The Department of Corrections has identified operational
18 savings beginning in fiscal year 2001-02. The department
projects that these ongoing operational savings will be
20 sufficient to offset the additional debt service costs that begin
in fiscal year 2002-03. The actual amount of operational savings
22 available to reduce or offset the debt service costs, by fiscal
year and program can not be verified at this time.

24 This bill also includes statutory changes related to the
26 Department of Corrections' juvenile facilities plan. The
Governor's proposed 1998-1999 supplemental budget, LD 1950 as
28 amended by the Bureau of the Budget's change packages, authorizes
a transfer of \$38,000,000 in fiscal year 1998-99 from the Tax
30 Relief Fund for Maine's Residents to an Other Special Revenue
account within the department to provide funding for the juvenile
32 component of the capital plan.'

34
36 **SUMMARY**

38 The amendment does the following.

40 It authorizes financing for Phase I of the Adult
correctional Facilities Plan by allowing the Maine Governmental
42 Facilities Authority to issue bonds in the amount of \$85,000,000
for this purpose.

44 It removes language that would have eliminated 30-day
"shock" sentences for juveniles.

46 It makes further technical corrections.

48 It adds an allocation section and a fiscal note to the bill.
50