

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 2002

H.P. 1499

House of Representatives, December 26, 2001

**Resolve, Establishing a Commission to Study County Jail Population,
Cost and Reimbursement by the State.**

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 19, 2001. Referred to the Committee on Criminal Justice pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative PEAVEY of Woolwich.
Cosponsored by Senator TREAT of Kennebec and
Representatives: POVICH of Ellsworth, QUINT of Portland, SNOWE-MELLO of Poland,
TOBIN of Dexter, Senators: McALEVEY of York, ROTUNDO of Androscoggin, SMALL of
Sagadahoc.

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

4
6 **Whereas,** this resolve establishes a commission to study
county jail population, costs and reimbursement by the State; and

8 **Whereas,** in order for the commission to convene and complete
its work in a timely fashion, it is necessary that this resolve
take effect as soon as possible; and

10
12 **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
necessary for the preservation of the public peace, health and
safety; now, therefore, be it

14
16
18 **Sec. 1. Commission established. Resolved:** That the Commission
to Study County Jail Population, Costs and Reimbursement by the
State, referred to in this resolve as the "commission," is
established; and be it further

20
22 **Sec. 2. Commission membership. Resolved:** That the commission
consists of the following 9 members:

24
26 1. The Commissioner of Corrections or the commissioner's
designee;

28
30 2. One representative of the Maine Jail Association,
appointed by the President of the Senate;

32
34 3. One representative of the Maine Sheriffs' Association,
appointed by the President of the Senate;

36 4. One representative of the Maine Chiefs of Police
Association, appointed by the Speaker of the House;

38 5. One county commissioner, appointed by the Speaker of the
House;

40
42 6. Two members of the Senate, appointed by the President of
the Senate; and

44 7. Two members of the House of Representatives, appointed
by the Speaker of the House; and be it further

46
48 **Sec. 3. Chairs. Resolved:** That the first named Senate member
is the Senate chair of the commission and the first named House
of Representatives member is the House chair of the commission;
and be it further

2 **Sec. 4. Appointments; meetings. Resolved:** That all
3 appointments must be made no later than 30 days following the
4 effective date of this resolve. The Executive Director of the
5 Legislative Council must be notified by all appointing
6 authorities once the selections have been made. When the
7 appointment of all members has been completed, the chairs of the
8 commission shall call and convene the first meeting of the
9 commission no later than May 15, 2002; and be it further

10 **Sec. 5. Duties. Resolved:** That the commission shall study:

11 1. Initiatives for regional cooperation and solutions in
12 building county jails;

13 2. Population of county jails, overcrowding and growth;

14 3. State probation violations, where those violations
15 should be served and who should pay for the resulting
16 incarceration;

17 4. Probation options, graduated sanctions and probation
18 officer case load;

19 5. Criminal court case loads, whether cases are being
20 handled in a timely fashion and whether there are sufficient
21 judicial resources allocated to handle the current case load; and

22 6. Issues concerning female offenders in county jails; and
23 be it further

24 **Sec. 6. Staff assistance. Resolved:** That, upon approval of the
25 Legislative Council, the Office of Policy and Legal Analysis
26 shall provide necessary staffing services to the commission; and
27 be it further

28 **Sec. 7. Compensation. Resolved:** That the members of the
29 commission who are Legislators are entitled to the legislative
30 per diem, as defined in the Maine Revised Statutes, Title 3,
31 section 2, and reimbursement for necessary expenses incurred for
32 their attendance at authorized meetings of the commission. Other
33 members of the commission who are not otherwise compensated by
34 their employers or other entities that they represent are
35 entitled to receive reimbursement of necessary expenses incurred
36 for their attendance at authorized meetings; and be it further

37 **Sec. 8. Report. Resolved:** That the commission shall submit
38 its report, together with any necessary implementing legislation,
39 to the joint standing committee of the Legislature having
40 jurisdiction over corrections and criminal justice matters no
41 later than November 1, 2002. Following receipt of the report,
42

2 the joint standing committee of the Legislature having
jurisdiction over corrections and criminal justice matters may
4 introduce legislation to the First Regular Session of the 121st
Legislature. If the commission requires a limited extension of
6 time to conclude its work, it may apply to the Legislative
Council, which may grant the extension.

8 **Emergency clause.** In view of the emergency cited in the
preamble, this resolve takes effect when approved.
10

12 SUMMARY

14 This resolve establishes the Commission to Study County Jail
Population, Costs and Reimbursement by the State. The commission
16 shall report its findings to the joint standing committee of the
Legislature having jurisdiction over corrections and criminal
18 justice by November 1, 2002.