

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1186

S.P. 390

In Senate, March 6, 2003

**An Act to Revise the Reimbursement by the County Jail Prisoner
Support and Community Corrections Fund and To Provide
Additional Support to County Jails**

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator STRIMLING of Cumberland.

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

2
3 **Sec. 1. 34-A MRSA §1210-A**, as amended by PL 2001, c. 698,
4 §§4 and 5 and affected by §7, is further amended to read:

6 **§1210-A. Community corrections**

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

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

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

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

40 A. ~~---Androscoggin---8.5%.~~

42 B. ~~---Aroostook---6.6%.~~

44 C. ~~---Cumberland---17.6%.~~

46 D. ~~---Franklin---2.4%.~~

48 E. ~~---Hancock---3.3%.~~

50

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

24 3-A. Distribution. The department shall annually reimburse
26 each county for a portion of the actual costs of operating its
28 jail based on the following schedule:

30 A. Beginning July 1, 2005, 10% of the actual costs of
32 operating the county jail;

34 B. Beginning July 1, 2006, 15% of the actual costs of
36 operating the county jail;

38 C. Beginning July 1, 2007, 20% of the actual costs of
40 operating the county jail;

42 D. Beginning July 1, 2008, 25% of the actual costs of
44 operating the county jail; and

46 E. Beginning July 1, 2009, 30% of the actual costs of
48 operating the county jail.

50 Notwithstanding paragraphs A to E, in no case may the amount
distributed to a county be less than the amount of funds that
county received in the year immediately prior to the effective
date of this subsection.

~~4. Change in state funding of county jails. If a county~~
~~experiences at least a 10% increase in the total annual jail~~
~~operating budget or if a county issues a bond for the~~
~~construction of a new jail or renovation of an existing jail, the~~

2 county may file with the department a request for an increase in
the amount of state funds the county receives for the support of
3 prisoners. A county must file a request for an increase in the
4 amount of state funds the county receives for the support of
prisoners by February 15th for an increase experienced in the
5 prior fiscal year. The department shall review the request and,
6 if the county demonstrates to the department a need for the
increase, the department shall distribute the approved amount to
7 the county from the surcharges collected under subsection 9. All
8 funds distributed under this subsection must be used only for the
purpose of funding counties' costs of the support of prisoners
9 detained or sentenced to county jails and for establishing and
10 maintaining community corrections. The department shall forward
the request and supporting documents to the joint standing
11 committee of the Legislature having jurisdiction over corrections
and criminal justice matters of a county's requested increase and
12 any distributions made to counties under this subsection.

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

5. **Community Corrections Program Account.** Each county treasurer shall place 20% of the funds received from the 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.

6. **Report.** Beginning January 15, 1999 and annually thereafter, each county shall submit a written report to the 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.~~

9. **Surcharge imposed.** In addition to the 12% surcharge collected pursuant to Title 4, section 1057 and the 2% surcharge collected pursuant to Title 4, section 1057-A, an additional 1% surcharge must be added to every fine, forfeiture or penalty imposed by any court in this State, which for the purposes of collection and collection procedures is considered a part of the fine, forfeiture or penalty. ~~Except as provided in subsection~~

10,--all All funds collected pursuant to this subsection are
2 nonlapsing and must be deposited monthly in the County Jail
4 Prisoner Support and Community Corrections Fund that is
administered by the department. ~~Except as provided in subsection~~
6 ~~10,--all funds collected pursuant to this subsection must be~~
distributed to counties that have experienced at least a 10%
8 ~~increase in their total annual jail operating budget or to~~
counties that have issued bonds for the construction of a new
10 ~~jail or renovation of an existing jail and that meet all other~~
requirements under subsection 4. Funds distributed to counties
12 pursuant to this subsection must be used for the sole purpose of
funding costs of the support of prisoners detained or sentenced
14 to county jails and for establishing and maintaining community
corrections.

16 ~~10.---Implementation.---The--first--\$23,658--collected--under~~
subsection 9 after the effective date of this subsection must be
18 ~~transferred to the Judicial Department to cover the costs of~~
implementing the collection of surcharges.

20 11. Adoption of rules. The commissioner shall adopt rules
22 in order to carry out the purposes of this section that set forth
the procedure for determining the amount of funds due each
24 county. Rules adopted pursuant to this section are routine
technical rules as defined in Title 5, chapter 375, subchapter
26 2-A.

28 **Sec. 2. Effective date.** This Act takes effect July 1, 2005.

30
32 **SUMMARY**

The Maine Revised Statutes, Title 34-A, section 1210-A
34 currently provides for a subsidy to counties for the support of
prisoners detained or sentenced to county jails and maintaining
36 community corrections. This bill changes the section to
reimburse a percentage of the actual costs of those programs.
38 The percentage would start at 10% beginning July 1, 2005 and
increase in annual increments of 5% to a maximum of 30% of actual
40 costs reimbursed.