

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1622

H.P. 1200

House of Representatives, May 22, 2003

An Act To Amend the Laws Regarding Prisoner Participation in Public Works Projects

Reported by Representative BUNKER of Kossuth Township for the Joint Standing
Committee on Criminal Justice and Public Safety pursuant to Joint Order 2003, H.P. 1111.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

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

2
3 **Sec. 1. 30-A MRSA §1605, sub-§2-A**, as enacted by PL 2001, c.
4 171, §2, is amended to read:

6 **2-A. Grant of privilege.** The ~~granting of sheriff may grant~~
7 a privilege described in subsection 1 ~~is governed by the~~
8 ~~following:~~

10 ~~A. Prior to 90 days after the adjournment of the First~~
11 ~~Regular Session of the 121st Legislature, the sheriff may~~
12 ~~grant a privilege described in subsection 1; and--~~

14 ~~B. Beginning 90 days after the adjournment of the First~~
15 ~~Regular Session of the 121st Legislature, unless the court~~
16 ~~expressly grants a privilege described in subsection 1, the~~
17 ~~prisoner is sentenced to ordinary confinement. The court~~
18 ~~may grant a privilege at the time of sentence or commitment~~
19 ~~or thereafter.~~

20
21 **Sec. 2. 30-A MRSA §1605, sub-§3**, as amended by PL 2001, §171,
22 §3, is further amended to read:

24 **3. Wages, self-employment income; collection.** If a
25 prisoner is employed for wages or salary, the sheriff shall
26 collect the wages or salary or require the prisoner to turn over
27 the wages or salary in full when received. If the prisoner is
28 self-employed, the self-employment income must be turned over to
29 the sheriff. The sheriff shall deposit the income in a trust
30 checking account and shall keep a ledger showing the status of
31 the account of each prisoner. The wages or salaries are not
32 subject to trustee process in the hands of either the employer or
33 the sheriff, and the self-employment income is not subject to
34 trustee process in the hands of the sheriff during the prisoner's
35 term and may be disbursed only as provided in this section; but
36 for tax purposes they are income of the prisoner.

38 ~~This subsection is repealed 90 days after the adjournment of the~~
39 ~~First Regular Session of the 121st Legislature.~~

42 **Sec. 3. 30-A MRSA §1605, sub-§3-A**, as enacted by PL 2001, c.
43 171, §4, is repealed.

44 **Sec. 4. 30-A MRSA §1605, sub-§5**, as amended by PL 2001, c.
45 171, §5, is further amended to read to read:

48 **5. Disbursements.** The wages or salaries of employed
49 prisoners and employment income of self-employed prisoners must

2 be disbursed by the sheriff for the following purposes, in the
3 following order:

4 A. The board of the prisoners;

6 B. Necessary travel expenses to and from work and other
7 incidental expenses of the prisoners;

8 C. Support of the prisoners' dependents, if any;

10 D. Payments, either in full or ratably, of restitution, and
12 of the prisoners' obligations, acknowledged in writing, in
14 accordance with Title 17-A, chapter 54, or that have been
reduced to judgment; and

16 E. The balance, if any, to the prisoners upon their release.

18 ~~This subsection is repealed 90 days after the adjournment of the
19 First Regular Session of the 121st Legislature.~~

22 **Sec. 5. 30-A MRSA §1605, sub-§5-A**, as enacted by PL 2001, c.
24 171, §6, is repealed.

26 **Sec. 6. 30-A MRSA §1605, sub-§6**, as amended by PL 2001, c.
27 171, §7, is further amended to read:

28 **6. Restitution disbursements.** Notwithstanding subsection 5
29 ~~and subsection 5-A~~, the wages or salaries of employed prisoners,
30 employment income of self-employed prisoners or income from any
31 other source must be disbursed by the sheriff in accordance with
32 any restitution authorized by section 1562. These disbursements
33 may not be authorized until any disbursements required by
34 subsection 5, paragraphs A to D have been made.

36 **Sec. 7. 30-A MRSA §1605, sub-§7**, as amended by PL 2001, c.
37 171, §7, is further amended to read:

38 **7. Employment in other county.** The sheriff may arrange
39 with another sheriff for the employment of the prisoner in the
40 other's county, and while so employed to be in the other's
41 custody, but in other respects to be and continue subject to the
42 commitment.

44 ~~This subsection is repealed 90 days after the adjournment of the
45 First Regular Session of the 121st Legislature.~~

48 **Sec. 8. 30-A MRSA §1605, sub-§7-A**, as enacted by PL 2001, c.
50 171, §8, is repealed.

2 **Sec. 9. 30-A MRSA §1606, sub-§1-A**, as enacted by PL 2001, c.
171, §9, is repealed.

4 **Sec. 10. 30-A MRSA §1659, sub-§1**, as amended by PL 2001, c.
171, §11, is further amended to read:

6
8 **1. Petition.** A sheriff, upon written request from an
10 inmate eligible for participation in a home-release monitoring
12 program and recommended by the jail administrator, may
14 electronically monitor or intensively supervise and to release
16 the inmate to participate in a home-release monitoring program
18 established in that county. Prior to releasing an inmate for
20 participation in a home-release monitoring program, the sheriff
22 shall provide to the court in which the inmate was sentenced
notice of the release. The court in which the inmate was
sentenced may withdraw the privilege of home release at any time
by order entered with or without notice of hearing. Prior to
issuing an order withdrawing the privilege, the court must
provide an opportunity for the sheriff to provide comment. At
the time of granting the privilege, the sheriff shall determine
whether the inmate is responsible for the cost of participating
in the home-release program based on the inmate's ability to pay.

24 ~~This subsection is repealed 90 days after the adjournment of the~~
26 ~~First Regular Session of the 121st Legislature.~~

28 **Sec. 11. 30-A MRSA §1659, sub-§1-A**, as enacted by PL 2001, c.
171, §12, is repealed.

30 **Sec. 12. 30-A MRSA §1659, sub-§3, ¶1**, as amended by PL 2001, c.
32 171, §13, is further amended to read:

34 I. As a condition of participation of an inmate in a
36 home-release program, the sheriff shall require the inmate
38 to pay a fee, as determined by the sheriff, including an
40 electronic monitoring fee, if applicable, a substance
42 testing fee or both, unless the sheriff determines that the
inmate does not have the financial resources to pay these
fees. The fee charged may include the costs associated with
a home-release program for people who do not have the
financial resources to pay the fees.

44 ~~This paragraph is repealed 90 days after the adjournment of~~
46 ~~the First Regular Session of the 121st Legislature.~~

48 **Sec. 13. 30-A MRSA §1659, sub-§3, ¶1-1**, as enacted by PL 2001,
c. 171, §14, is repealed.

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SUMMARY

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4 Public Law 2001, chapter 171 authorized county sheriffs
6 instead of a court to make decisions concerning prisoner
8 employment, participation in public works and participation in
10 electronic monitoring and intensive supervision outside the
12 jail. However, the law repeals that authorization 90 days after
the adjournment of the First Regular Session of the 121st
Legislature. This bill repeals the reversion to the courts so
that county sheriffs will continue to make decisions regarding
prisoner participation in employment, public works, electronic
monitoring and intensive supervision.