

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2006

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H.P. 1416

House of Representatives, February 16, 2006

### An Act To Extend the Corrections Alternatives Advisory Committee

(EMERGENCY)

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

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND

Clerk

Presented by Representative BLANCHETTE of Bangor. (GOVERNOR'S BILL)  
Cosponsored by Senator DIAMOND of Cumberland and  
Representatives: CHURCHILL of Washburn, GERZOFKY of Brunswick, PLUMMER of  
Windham, SYKES of Harrison.

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

4  
6           **Whereas,** the Corrections Alternatives Advisory Committee was  
established to work to effectively identify the costs, benefits  
and cost savings associated with alternative corrections service  
8 delivery options, including improved collaboration between State  
Government and county government and regionalization  
10 opportunities and cost reductions; and

12           **Whereas,** the Corrections Alternatives Advisory Committee  
needs to continue its work to further identify options to be  
14 evaluated with the goal of achieving efficiencies and managing  
the cost of correctional services at both the state and county  
16 levels; and

18           **Whereas,** in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
20 Maine and require the following legislation as immediately  
necessary for the preservation of the public peace, health and  
22 safety; now, therefore,

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

26           **Sec. 1. PL 2005, c. 386, Pt. J, §1, sub-§1** is amended to read:

28           **1. Advisory committee established.** The Corrections  
Alternatives Advisory Committee, referred to in this Part as "the  
30 advisory committee," is established to guide the development of  
the study of corrections service delivery options. The advisory  
32 committee is not a decision-making body, but serves to provide  
advice and information to the Department of Corrections. The  
34 advisory committee consists of the following members:

36           A. The Commissioner of Corrections and 2 state corrections  
officials designated by the commissioner;

38           B. A representative of a statewide association of county  
40 commissioners nominated by the association and appointed by  
the Governor;

42           C. A representative of a statewide association of county  
44 sheriffs nominated by the association and appointed by the  
Governor;

46           D. A representative of a statewide association of county  
48 jails nominated by the association and appointed by the  
Governor; and

2 E. A municipal representative appointed by the Governor, and

4  
6 F. A representative of a statewide association of  
prosecutors nominated by the association and appointed by  
the Governor.

8  
10 The Governor shall ask the Chief Justice of the Supreme Judicial  
12 Court to serve as or to name a designee to serve as a member of  
the advisory committee and to appoint one trial judge or a  
designee to serve as a member of the advisory committee.

14 If a member cannot serve, the person responsible for appointing  
that member shall appoint a new member.

16  
18 The advisory committee shall consult with labor unions  
20 representing both state and county employees and keep them  
informed regularly throughout the development of the study.

22 **Sec. 2. PL 2005, c. 386, Pt. J, §1, sub-§2 is amended to read:**

24 **2. Appointments; chairs; meetings.** All appointments must  
26 be made no later than 30 days following the effective date of  
28 this Part. The Governor shall appoint 2 cochaairs from among the  
30 membership of the advisory committee, one representing the  
32 Department of Corrections and one representing county  
government. If a cochair cannot serve, the Governor shall  
appoint a new cochair. The cochaairs shall call and convene the  
first meeting of the advisory committee no later than 15 days  
after the appointment of all members. The advisory committee may  
meet as often as necessary to accomplish its work.

34 **Sec. 3. PL 2005, c. 386, Pt. J, §1, sub-§4 is amended to read:**

36 **4. Reports.** The advisory committee shall submit interim  
38 reports and proposed recommendations to the Intergovernmental  
40 Advisory Group, established in the Maine Revised Statutes, Title  
42 30-A, section 2181, for its review. The Intergovernmental  
44 Advisory Group shall coordinate the solicitation of public  
comment. The Department of Corrections shall deliver its ~~final~~  
interim report with recommendations and proposed implementing  
46 legislation to the Joint Standing Committee on Criminal Justice  
and Public Safety and to the Joint Standing Committee on State  
and Local Government no later than ~~January-1,--2006~~ March 15,  
2006. The Department of Corrections shall deliver its final  
report with recommendations and proposed implementing legislation  
48 to the Legislature no later than December 15, 2006.

2           **Sec. 4. PL 2005, c. 386, Pt. J, §1, sub-§5** is amended to read:

4           **5. Corrections Incentive Fund recommendation.** The  
6           Commissioner of Corrections shall submit proposed legislation  
8           establishing a Corrections Incentive Fund to the Joint Standing  
10           Committee on Criminal Justice and Public Safety and the Joint  
12           Standing Committee on State and Local Government no later than  
14           ~~February 1, 2006~~ December 15, 2006. The purpose of the proposed  
16           Corrections Incentive Fund is to achieve significant and  
18           sustainable savings in the cost of delivering correctional  
20           services by funding proposals that are consistent with the final  
22           study recommendations. The proposed legislation must also  
24           include a provision for evaluating the effectiveness of the  
26           incentive fund and a requirement to sunset the fund unless there  
28           is sufficient evidence presented by the Department of Corrections  
30           to continue the fund.

32           **Sec. 5. PL 2005, c. 386, Pt. J, §1, sub-§6** is enacted to read:

34           **6. Authorized duties; nonlapsing funds.** In addition to  
36           that specified in this section, the advisory committee is  
38           authorized to conduct any additional work authorized by law  
40           within its budgeted resources. Any General Fund appropriations  
42           originally appropriated to support the work of the advisory  
44           committee that remain within the Department of Corrections may  
          not lapse but must be carried forward to be used for the same  
          purpose.

**Sec. 6. Retroactivity.** This Act applies retroactively to  
          January 1, 2006.

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

## SUMMARY

          This bill amends Public Law 2005, chapter 386, Part J, which  
          established the Corrections Alternatives Advisory Committee. The  
          bill extends the life of the advisory committee to December 15,  
          2006, expands its membership and authorizes additional meetings  
          and a final report to the Legislature. The bill also authorizes  
          the advisory committee to carry forward any remaining funds in  
          order to support its continued work.