

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

SECOND REGULAR SESSION-2008

Legislative Document

No. 2080

H.P. 1466

House of Representatives, December 27, 2007

An Act To Better Coordinate and Reduce the Cost of the Delivery of State and County Correctional Services

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

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

Millicent M. MacFarland

MILLICENT M. MacFARLAND

Clerk

Presented by Representative CROCKETT of Augusta.
Cosponsored by Senator MITCHELL of Kennebec and
Representatives: AYOTTE of Caswell, BABBIDGE of Kennebunk, BEAUDETTE of
Biddeford, BEAUDOIN of Biddeford, BLANCHARD of Old Town, BRAUTIGAM of
Falmouth, BRIGGS of Mexico, BROWNE of Vassalboro, BRYANT of Windham,
CANAVAN of Waterville, CHASE of Wells, CLEARY of Houlton, CONNOR of Kennebunk,
COTTA of China, CROSTHWAITE of Ellsworth, Speaker CUMMINGS of Portland,
DRISCOLL of Westbrook, DUCHESNE of Hudson, EATON of Sullivan, EBERLE of South
Portland, FISHER of Brewer, GILES of Belfast, GOULD of South Berwick, JACKSON of
Allagash, KOFFMAN of Bar Harbor, MAKAS of Lewiston, MILLER of Somerville, MILLS
of Farmington, MIRAMANT of Camden, NASS of Acton, PATRICK of Rumford, PERCY of
Phippsburg, PIEH of Bremen, PINGREE of North Haven, PLUMMER of Windham, PRATT
of Eddington, RAND of Portland, SAMSON of Auburn, SILSBY of Augusta, SMITH of
Monmouth, THERIAULT of Madawaska, TRINWARD of Waterville, WEDDELL of
Frankfort, Senators: BENOIT of Sagadahoc, BROMLEY of Cumberland, BRYANT of
Oxford, COURTNEY of York, DAMON of Hancock, HASTINGS of Oxford, McCORMICK
of Kennebec, NASS of York, NUTTING of Androscoggin, ROSEN of Hancock, SCHNEIDER
of Penobscot, WESTON of Waldo.

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

2 **CONCEPT DRAFT**
3 **SUMMARY**

4 This bill is a concept draft pursuant to Joint Rule 208.

5 This bill seeks to establish the Maine Jail and Community Corrections Authority.
6 The membership of the authority consists of state, county and municipal officials and
7 representatives of those involved in the criminal justice system. A majority of the
8 members of the authority are representatives of county government.

9 The authority is established for the following purposes:

10 1. To coordinate and oversee a cost-efficient system within the State for the
11 operation and maintenance of county and regional jails and community corrections
12 facilities, programs and services;

13 2. To facilitate the implementation and delivery of corrections programs and services
14 for pretrial defendants and convicted offenders, consistent with best correctional and
15 evidence-based practices and the protection of public safety;

16 3. To develop and implement plans for the renovation, improvement and
17 redevelopment of existing jail facilities and for the design and construction of new jail
18 facilities through a certificate of need process to better serve the incarcerated and
19 detained populations and the citizens of the State. The authority may issue bonds and
20 enter into agreements with the counties and the Department of Corrections for these
21 purposes; and

22 4. To provide a consolidated body representing county and regional jails and
23 community corrections facilities to coordinate with the Department of Corrections on
24 corrections matters, including but not limited to the coordination of jail bed space.

25 The authority shall manage the county and regional jails and community correctional
26 facilities and programs and services to efficiently allocate human and financial resources,
27 establish uniform criteria for the construction and expansion of jail facilities and develop
28 and implement methods by which the purposes of the authority are best served.
29 Specifically, the authority shall:

30 1. Create and implement standards of care and operation reflective of best
31 correctional practice for jail facilities;

32 2. Approve purpose and rated capacities for each jail facility, which may include
33 specialized units, based upon established standards and system need and demand;

34 3. Conduct inspections of and accredit jail facilities;

35 4. Coordinate bed space availability and utilization among jails and between the
36 Department of Corrections and jails as needed, considering established criteria, inmate

- 1 classification, gender, pre-conviction and post-conviction status and special needs
2 including mental health and substance abuse;
- 3 5. Establish per diem board rates using a predetermined formula;
- 4 6. Establish and operate an intercounty jail inmate transportation system consistent
5 with security interests in order to reduce the overall cost of jail inmate transportation;
- 6 7. Establish data collection requirements necessary to monitor the status of county
7 and regional jail populations, to project future capacity needs and to develop
8 recommendations for new or expanded facilities, programs and services. The authority
9 shall review and approve or deny requests for construction of new, expanded or renovated
10 jail facilities using a certificate of need process;
- 11 8. Develop, implement and fund community corrections programs and services
12 reflective of evidence- based practices and make them available to all counties. These
13 services must be coordinated in collaboration with the criminal justice planning
14 committees established pursuant to the Maine Revised Statutes, Title 30-A, section 1671;
- 15 9. Evaluate implementation of pretrial services for desired outcomes. Pretrial
16 services must be funded using money formerly provided through the Community
17 Corrections Fund and County Jail Prisoner Support Fund under Title 34-A, section 1210-
18 B;
- 19 10. Monitor county and regional criminal justice system operations to identify
20 system practices that adversely affect jail populations or operating costs, propose
21 improvements in efficiency and effectiveness, and evaluate implementation of the
22 improvements; and
- 23 11. Provide information and assistance to jail officials regarding best correctional
24 and evidence-based practices and provide a forum for sharing information on best
25 correctional and evidence-based practices in use within the State.