

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2008

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Legislative Document

No. 2113

H.P. 1499

House of Representatives, December 31, 2007

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### **An Act To Implement the Recommendations of the Committee To Study the Prison Industries Program**

(EMERGENCY)

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Reported by Representative GERZOFKY of Brunswick for the Committee To Study the Prison Industries Program pursuant to Joint Order 2007, H.P. 1334.

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed under Joint Rule 218.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

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

3       **Whereas,** this Act needs to take effect before the expiration of the 90-day period in  
4 order for the Prison Industries Advisory Council to be established and begin its work as  
5 soon as possible in aiding the Department of Corrections in its effort to improve  
6 efficiencies and accountability in the prison industries program; and

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

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

12       **Sec. 1. 5 MRSA §12004-I, sub-§4-B** is enacted to read:

13       **4-B.**

|                       |                             |                          |                     |
|-----------------------|-----------------------------|--------------------------|---------------------|
| 14 <u>Corrections</u> | 14 <u>Prison Industries</u> | 14 <u>Not Authorized</u> | 14 <u>34-A MRSA</u> |
| 15                    | 15 <u>Advisory Council</u>  |                          | 15 <u>§3002-B</u>   |

16       **Sec. 2. 34-A MRSA §3002-B** is enacted to read:

17       **§3002-B. Prison Industries Advisory Council**

18       **1. Appointments.** The commissioner shall appoint the 6-member Prison Industries  
19 Advisory Council, referred to in this section as "the council," as established by Title 5,  
20 section 12004-I, subsection 4-B. The term of office for members is 3 years. The initial  
21 appointments are:

22       A. Three members for 3 years;

23       B. Two member for 2 years; and

24       C. One member for one year.

25       A replacement for a council member who does not complete the council member's term  
26 of office serves for the remainder of the unexpired term.

27       **2. Council members.** The council members must include at least 3 private sector  
28 representatives, each of whom is a business professional in the area of marketing,  
29 financial management, manufacturing or retail sales. In addition, council members must  
30 include 2 State Government representatives who work in the areas of prison security,  
31 labor or economic development. The commissioner shall also appoint one department  
32 employee to serve as a nonvoting member.

33       **3. Duties.** The council shall work in cooperation with managers of prison industries  
34 programs, prison security staff and the business community to identify methods to  
35 enhance programs and improve efficiency of operations, including at a minimum:

A. Developing a business and marketing plan for prison industries;

B. Developing recommendations to improve advertising and retail sales and exploring more diversified product lines;

C. Reviewing the financial reporting and accounting systems and recommending a consistent and uniform format for all prison industries reporting; and

D. Making recommendations related to creating prison industries under the federal Prison Industry Enhancement Certification Program authorized by 18 United States Code, Section 1761(2006).

**4. Meetings; reports.** The council shall meet at least quarterly, shall make interim recommendations and at least an annual report to the commissioner and shall send copies of all interim recommendations and reports to the members of the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters.

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

## SUMMARY

This bill is the recommendation of the Committee To Study the Prison Industries Program pursuant to Joint Order 2007, H.P. 1334. The bill creates the Prison Industries Advisory Council to help the Department of Corrections develop new marketing strategies and more diversified product lines and to identify methods to enhance programs and improve efficiency of operations throughout the prison industries system.