

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 1224

H.P. 844

House of Representatives, March 26, 2009

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### **An Act Regarding the Operation of County Jails and the State Board of Corrections**

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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 CROCKETT of Augusta.  
Cosponsored by Senator JACKSON of Aroostook and  
Representatives: BERRY of Bowdoinham, BLANCHARD of Old Town, BLODGETT of  
Augusta, BURNS of Whiting, BUTTERFIELD of Bangor, HASKELL of Portland, MAGNAN  
of Stockton Springs, PLUMMER of Windham.

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

2 Sec. 1. 34-A MRSA §1404, sub-§7 is enacted to read:

3 7. Budget review. The commissioner shall provide the board with the department's  
4 adult correctional and adult probation services budget proposals in a timely fashion in  
5 order that the board may review the budget proposals prior to making its  
6 recommendations to the joint standing committee of the Legislature having jurisdiction  
7 over criminal justice and public safety matters and the joint standing committee of the  
8 Legislature having jurisdiction over appropriations and financial affairs.

9 Sec. 2. 34-A MRSA §1803, sub-§1, as enacted by PL 2007, c. 653, Pt. A, §30, is  
10 amended to read:

11 1. **Manage the cost of corrections.** The board shall develop a plan to achieve  
12 systemic cost savings and cost avoidance throughout the unified correctional system with  
13 the goal of operating efficient correctional services. Additionally, the board shall:

14 A. Set and enforce a yearly growth limitation for the correctional services  
15 expenditures in each county budget under Title 30-A, section 710;

16 B. Develop reinvestment strategies within the unified correctional system to improve  
17 services and reduce recidivism; and

18 C. Establish boarding rates for the unified correctional system, except boarding rates  
19 for federal inmates; and

20 D. Review department budget proposals affecting adult correctional and adult  
21 probation services and submit recommendations regarding these budget proposals to  
22 the joint standing committee of the Legislature having jurisdiction over criminal  
23 justice and public safety matters and the joint standing committee of the Legislature  
24 having jurisdiction over appropriations and financial affairs.

25 Sec. 3. 34-A MRSA §1803, sub-§4, as enacted by PL 2007, c. 653, Pt. A, §30, is  
26 amended to read:

27 4. **Certificate of need.** The board shall review and may approve any future public or  
28 private construction projects. The board shall establish a certificate of need process used  
29 for the review and approval of any future public or private capital correctional  
30 construction projects; a public or private correctional construction project may not be  
31 undertaken unless the board issues a certificate of need in support of the project. The  
32 board shall adopt rules governing the procedures relating to the certificate of need process  
33 and financing alternatives. Rules adopted pursuant to this subsection are major  
34 substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

35

## SUMMARY

36 This bill makes 2 changes to the laws governing the State Board of Corrections as  
37 follows.

1           1. It requires the Commissioner of Corrections to submit the Department of  
2           Corrections' adult correctional and adult probation services budget proposals to the State  
3           Board of Corrections and requires the board to review those budget proposals and submit  
4           recommendations regarding them to the joint standing committee of the Legislature  
5           having jurisdiction over criminal justice and public safety matters and the joint standing  
6           committee of the Legislature having jurisdiction over appropriations and financial affairs.

7           2. It clarifies that a public or private correctional construction project may not  
8           proceed without a certificate of need issued by the board.