

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1178

H.P. 876

House of Representatives, March 17, 2011

An Act To Repeal the Laws Governing the Consolidation of Jails

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative DAVIS of Sangerville.
Cosponsored by Representative FOSSEL of Alna, Senator TRAHAN of Lincoln and
Representatives: AYOTTE of Caswell, BLACK of Wilton, CLARK of Easton, CRAFTS of
Lisbon, CROCKETT of Bethel, McKANE of Newcastle, WILLETTE of Mapleton, Senator:
THOMAS of Somerset.

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

2 **Sec. 1. 1 MRSA §402, sub-§3, ¶Q**, as reallocated by RR 2009, c. 1, §3, is
3 amended to read:

4 Q. Security plans, staffing plans, security procedures, architectural drawings or risk
5 assessments prepared for emergency events that are prepared for or by or kept in the
6 custody of the Department of Corrections or a county jail if there is a reasonable
7 possibility that public release or inspection of the records would endanger the life or
8 physical safety of any individual or disclose security plans and procedures not
9 generally known by the general public. Information contained in records covered by
10 this paragraph may be disclosed to state and county officials if necessary to carry out
11 the duties of the officials; or the Department of Corrections ~~or members of the State~~
12 ~~Board of Corrections~~ under conditions that protect the information from further
13 disclosure.

14 **Sec. 2. 4 MRSA §1057, sub-§3-A**, as amended by PL 2009, c. 213, Pt. GGG, §1
15 and affected by §7, is repealed.

16 **Sec. 3. 5 MRSA §1591, sub-§4**, as reallocated by RR 2009, c. 1, §6, is repealed.

17 **Sec. 4. 5 MRSA §12004-G, sub-§6-C**, as enacted by PL 2007, c. 653, Pt. A, §3,
18 is repealed.

19 **Sec. 5. 14 MRSA §5545, 2nd ¶**, as amended by PL 2007, c. 653, Pt. A, §4, is
20 further amended to read:

21 Whenever, under this section or under any other section in this chapter, a court issues
22 a writ of habeas corpus ordering before it a prisoner confined in any penal or correctional
23 institution under the control of the Department of Health and Human Services or the
24 Department of Corrections, or confined in any county jail, its order as to the
25 transportation of the prisoner to and from the court must be directed to the sheriff of the
26 county in which the court is located. It is the responsibility of the sheriff or any one or
27 more of the sheriff's authorized deputies pursuant to any such order to safely transport a
28 prisoner to and from the court and to provide safe and secure custody of the prisoner
29 during the proceedings, as directed by the court. At the time of removal of a prisoner
30 from an institution, the transporting officer shall leave with the head of the institution an
31 attested copy of the order of the court, and upon return of the prisoner shall note that
32 return on the copy. This paragraph as it relates to the responsibility for transportation is
33 applicable to transfers from the county jail to any other county jail or to a state
34 correctional facility under Title ~~34-A~~ 30-A, section ~~4405~~ 1656.

35 **Sec. 6. 30-A MRSA §101, sub-§6-B**, as enacted by PL 2007, c. 653, Pt. A, §5, is
36 repealed.

37 **Sec. 7. 30-A MRSA §406**, as enacted by PL 2007, c. 653, Pt. A, §6, is repealed.

38 **Sec. 8. 30-A MRSA §701, sub-§2**, as repealed and replaced by PL 2009, c. 415,
39 Pt. A, §14, is repealed and the following enacted in its place:

1 **2. Preparation of estimates.** In order to assess a county tax, the county
2 commissioners, prior to November 7th in each year, shall prepare estimates of the sums
3 necessary to pay the expenses that have accrued or may probably accrue for the coming
4 year, including the building and repairing of jails, courthouses and appurtenances, with
5 the debts owed by their counties.

6 The estimates must be drawn so as to authorize the appropriations to be made to each
7 department or agency of the county government for the year. The estimates must provide
8 specific amounts for personal services, contractual services, commodities, debt service
9 and capital expenditures.

10 **Sec. 9. 30-A MRSA §701, sub-§2-A,** as amended by PL 2009, c. 1, Pt. Q, §1, is
11 repealed.

12 **Sec. 10. 30-A MRSA §701, sub-§2-B,** as enacted by PL 2007, c. 653, Pt. A, §9,
13 is repealed.

14 **Sec. 11. 30-A MRSA §706-A, sub-§1,** as amended by PL 2007, c. 653, Pt. A,
15 §10, is further amended to read:

16 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
17 following terms have the following meanings.

18 A. "Average real personal income growth" has the same meaning as under Title 5,
19 section 1531, subsection 2.

20 B. "County assessment" means: total annual county appropriations reduced by all
21 resources available to fund those appropriations other than the county tax.

22 ~~(1) For the tax year of any county that began prior to January 1, 2009, total~~
23 ~~annual county appropriations reduced by all resources available to fund those~~
24 ~~appropriations other than the county tax; or~~

25 ~~(2) For the tax year of any county that begins on or after January 1, 2009, total~~
26 ~~annual county appropriations for noncorrectional related services as established~~
27 ~~in section 701, reduced by all resources available to fund those appropriations~~
28 ~~other than the county tax.~~

29 C. "Forecasted inflation" has the same meaning as under Title 5, section 1531,
30 subsection 6.

31 D. "Property growth factor" means the percentage equivalent to a fraction,
32 established by a county, whose denominator is the total valuation of all
33 municipalities, plantations and unorganized territory in the county, and whose
34 numerator is the amount of increase in the assessed valuation of any real or personal
35 property in those jurisdictions that became subject to taxation for the first time, or
36 taxed as a separate parcel for the first time for the most recent property tax year for
37 which information is available, or that has had an increase in its assessed valuation
38 over the prior year's valuation as a result of improvements to or expansion of the
39 property. ~~The State Tax Assessor shall provide to the counties forms and a~~
40 ~~methodology for the calculation of the property growth factor, and the counties shall~~
41 ~~use those forms and the methodology to establish the property growth factor.~~

1 E. "State and local tax burden" has the same meaning as under Title 5, section 1531,
2 subsection 9.

3 **Sec. 12. 30-A MRSA §709**, as enacted by PL 2007, c. 653, Pt. A, §11, is repealed.

4 **Sec. 13. 30-A MRSA §710**, as enacted by PL 2007, c. 653, Pt. A, §12, is repealed.

5 **Sec. 14. 30-A MRSA §932, sub-§3**, as amended by PL 2009, c. 391, §4, is
6 repealed.

7 **Sec. 15. 30-A MRSA §1557-B** is enacted to read:

8 **§1557-B. Transfer from jails**

9 **1. Transfer.** A sheriff may transfer a prisoner serving a sentence in a county jail
10 from one jail to another to serve any part of that sentence upon the request of the sheriff
11 of the sending jail and the approval of the sheriff of the receiving jail. A sheriff may
12 transfer a prisoner serving a sentence in a county jail to the Department of Corrections to
13 serve any part of that sentence upon the request of the sheriff and the approval of the
14 Commissioner of Corrections.

15 **2. Transfer cost.** The county of the sending jail shall pay the cost of the transfer or
16 return of the prisoner.

17 **3. Reimbursement.** The county responsible for the support of a prisoner transferred
18 under this section while the prisoner was incarcerated in the county jail shall pay, directly
19 to the receiving county jail or the Department of Corrections upon the request of the
20 sheriff of the receiving jail or the department, an amount computed at a per diem per
21 capita rate established by the receiving county jail or the department. The county also
22 shall reimburse the receiving county jail or the department for any costs incurred in the
23 provision of extraordinary medical or surgical treatment to the person transferred. The
24 payment amount provided for in this section may be adjusted or dispensed with upon
25 terms mutually agreeable to the sheriff of the sending jail and the sheriff of the receiving
26 jail or the department if the sending jail houses any prisoners for the receiving jail or the
27 department.

28 **4. Transferee subject to rules.** A person transferred under this section is subject to
29 the general rules of the facility to which the person is transferred, except that:

30 A. The term of the original sentence remains the same unless altered by the court;

31 B. The person becomes eligible for meritorious good time as provided in Title 17-A,
32 section 1253 for a person sentenced to imprisonment in a county jail;

33 C. The person becomes eligible for release and discharge as provided in Title 17-A,
34 section 1254 for a person sentenced to imprisonment in a county jail;

35 D. The person is entitled to have the time served in the facility under this section
36 deducted from the sentence; and

37 E. A person transferred under this section becomes eligible for furloughs, work or
38 other release programs, participation in public works and charitable projects and

1 home-release monitoring as authorized by sections 1556, 1605, 1606 and 1659-A and
2 may apply pursuant to the rules governing the sending jail.

3 **5. Return of prisoner.** A prisoner transferred pursuant to this section must be
4 returned to the sending jail upon the request of the sheriff of the sending jail, the sheriff
5 of the receiving jail or the Commissioner of Corrections.

6 **6. Commissioner of Corrections to determine temporary housing assignments.**
7 If a county that does not have a jail or has a jail that is not fully certified is unable to
8 locate space in any other county facility for an adult or juvenile, that county may contact
9 the Commissioner of Corrections for approval to obtain temporary housing in a
10 correctional or detention facility operated by the Department of Corrections. The sending
11 county shall contact each other county facility in a continuing effort to locate placement
12 in a county facility. When the sending county locates available space in a county facility,
13 the sheriff of the sending county shall transfer the person from the department's
14 correctional or detention facility and place the person in the county facility.

15 **Sec. 16. 30-A MRSA §1558,** as repealed by PL 2007, c. 653, Pt. A, §15, is
16 reenacted to read:

17 **§1558. Transfer from state correctional facilities**

18 The sheriffs may accept custody of prisoners transferred to their jail from state
19 correctional facilities under Title 34-A, section 3063.

20 **Sec. 17. 30-A MRSA §1656,** as repealed by PL 2007, c. 653, Pt. A, §16, is
21 reenacted to read:

22 **§1656. Transfer of prisoners when jail unfit or insecure**

23 **1. Transfer of prisoners when jail unfit or insecure.** Whenever complaint on oath
24 is made to a Justice of the Superior Court that a prisoner or prisoners should be removed
25 from a jail to another jail or to the Department of Corrections because that jail is unfit for
26 occupation or is insufficient for the secure keeping of a person charged with a crime and
27 committed to await trial or awaiting sentencing, the Justice of the Superior Court shall:

28 A. Schedule the time and place for a hearing on this complaint;

29 B. Have not less than 3 days' notice of that hearing given to the sheriff or sheriffs of
30 the county jail or jails involved and, if transfer to the Department of Corrections is
31 anticipated, to the Commissioner of Corrections;

32 C. Order removal, at the expense of the sending county, of the prisoner or prisoners
33 to the Department of Corrections pending hearing, as long as the Commissioner of
34 Corrections and the sending sheriff agree; and

35 D. Conduct a hearing and if the matter complained of is found true:

36 (1) Issue a warrant for the transfer of the prisoner or prisoners, at the expense of
37 the sending county, to any jail; or

1 (2) Issue a warrant for the transfer of the prisoner or prisoners, at the expense of
2 the sending county, to the Department of Corrections.

3 A warrant for transfer may be issued only when the Justice of the Superior Court
4 finds that the receiving jail or the Department of Corrections is able to resolve the
5 problem causing the need to transfer, the nature of the offense committed or alleged
6 to have been committed by the prisoner is so severe that it requires transfer and the
7 security of the sending facility is inadequate to handle the problem.

8 **2. Emergency.** In the event of an emergency, regardless of whether a complaint on
9 oath has been made to a Justice of the Superior Court, the sheriff, with the agreement of
10 the Commissioner of Corrections, may immediately, at the expense of the sending
11 county, remove a person charged with a crime and committed to await trial or awaiting
12 sentencing from the county jail to the Department of Corrections. If removal is made
13 under this section, a complaint on oath must be made to a Justice of the Superior Court
14 within 24 hours, excluding Saturdays, Sundays and legal holidays, and a hearing must be
15 conducted in accordance with the requirements in subsection 1, paragraph D.

16 **3. Transfer of prisoners when jail unfit due to casualty.** If by fire or other
17 casualty any jail is destroyed or rendered unfit for use, any Justice of the Superior Court
18 may, upon being notified by the district attorney of the county where the jail was or is
19 located, issue an order to the sheriff and the deputies and constables of that county to
20 have all prisoners who might be liable to imprisonment in that county imprisoned in the
21 jail of some adjoining county or in any other place of confinement. The order must be
22 printed in the newspapers having general circulation in that county.

23 **4. Reimbursement for transferred prisoners.** The county responsible for the
24 support of the person transferred under this section while incarcerated in the county jail
25 shall pay directly to the receiving county jail or the Department of Corrections upon the
26 request of the receiving sheriff or the department an amount computed at a per diem per
27 capita rate established by the receiving county jail or the department. The county shall
28 also reimburse the receiving county jail or the department for any costs incurred in the
29 provision of extraordinary medical or surgical treatment to the person transferred.

30 **5. Review of information prior to transfer.** If a prisoner is transferred to the
31 Department of Corrections, the Commissioner of Corrections or the commissioner's
32 designee shall review all relevant information, including any available mental health
33 information, prior to determining the prisoner's initial place of confinement.

34 **Sec. 18. 30-A MRSA §1659-A, first ¶**, as enacted by PL 2009, c. 391, §6, is
35 amended to read:

36 The sheriff of each county shall establish a program to permit certain inmates to serve
37 a portion of their sentence of imprisonment in community confinement monitored by the
38 county or a contract agency or another county or its contract agency. The county may
39 contract only with a community confinement monitoring agency approved by the ~~State~~
40 Board Department of Corrections.

41 **Sec. 19. 30-A MRSA §1659-A, sub-§2, ¶D**, as enacted by PL 2009, c. 391, §6,
42 is amended to read:

1 D. The inmate has a verified security classification level of "medium" or "minimum"
2 and scores "moderate" or "less" on a validated risk assessment tool as defined by the
3 ~~State Board~~ Department of Corrections;

4 **Sec. 20. 30-A MRSA §1659-A, sub-§6**, as enacted by PL 2009, c. 391, §6, is
5 amended to read:

6 **6. Minimum standards supervision of inmates in the community confinement**
7 **monitoring program.** The ~~State Board~~ Department of Corrections shall establish
8 minimum policy standards for the monitoring of inmates in the community confinement
9 monitoring program.

10 **Sec. 21. 30-A MRSA §1659-A, sub-§7**, as enacted by PL 2009, c. 391, §6, is
11 amended to read:

12 **7. Program funding.** Funds collected pursuant to this section must be forwarded to
13 an account designated by the ~~State Board~~ Department of Corrections for the purpose of
14 supporting pretrial, diversion or reentry activities. Community confinement monitoring
15 program funds must be accounted for by the county through the normal budget process.

16 **Sec. 22. 30-A MRSA §1671, sub-§1**, as amended by PL 2007, c. 653, Pt. A, §17,
17 is further amended to read:

18 **1. Establishment.** Each county, or each county working jointly with another county
19 or other counties or with the Department of Corrections, may establish a local criminal
20 justice planning committee, referred to in this subchapter as "the committee." Only a
21 county that establishes or participates as a member of a criminal justice planning
22 committee may apply for funds from the Community Corrections Incentive Fund
23 distributed pursuant to Title 34-A, section 1210-C.

24 **Sec. 23. 30-A MRSA §1671, sub-§3, ¶A**, as amended by PL 2007, c. 653, Pt. A,
25 §18, is further amended to read:

26 A. Developing and adopting a mission statement consistent with the purposes of the
27 ~~State Board of Corrections~~ State Sentencing and Corrections Practices Coordinating
28 Council established in Title 34-A, section 1209-A;

29 **Sec. 24. 30-A MRSA §1671, sub-§3, ¶B**, as amended by PL 2007, c. 653, Pt. A,
30 §18, is further amended to read:

31 B. Regularly assessing county correctional needs and determining what community
32 correctional programs best meet those needs; ~~and~~

33 **Sec. 25. 30-A MRSA §1671, sub-§3, ¶C**, as repealed by PL 2007, c. 653, Pt. A,
34 §18, is reenacted to read:

35 C. Establishing policy and directing the planning, funding, development,
36 implementation and evaluation of recommended community corrections programs
37 determined to meet the intent of the State Sentencing and Corrections Practices

1 Coordinating Council, established in Title 34-A, section 1209-A, and the principles
2 of evidence-based correctional practices;

3 **Sec. 26. 30-A MRSA §1671, sub-§3, ¶D**, as repealed by PL 2007, c. 653, Pt. A,
4 §18, is reenacted to read:

5 D. Receiving, reviewing and submitting to the county commissioners any
6 applications for a grant for a community corrections initiative from the Community
7 Corrections Incentive Fund, established in Title 34-A, section 1210-C, that meets
8 standards and community needs as determined by the committee. Upon receipt of the
9 committee’s recommendations, the county commissioners shall forward the grant
10 application to the State Sentencing and Corrections Practices Coordinating Council,
11 established in Title 34-A, section 1209-A; and

12 **Sec. 27. 30-A MRSA §1671, sub-§4**, as repealed by PL 2007, c. 653, Pt. A, §19,
13 is reenacted to read:

14 **4. Reports.** Each county shall establish a dedicated county community corrections
15 program account to account for the use of all funds received from the State pursuant to
16 this section. Each county shall report to its committee on the use of community
17 corrections funds and each committee in turn shall report on the use of community
18 corrections funds to the State Sentencing and Corrections Practices Coordinating Council,
19 established in Title 34-A, section 1209-A.

20 **Sec. 28. 30-A MRSA §1671, sub-§5**, as repealed by PL 2007, c. 653, Pt. A, §20,
21 is reenacted to read:

22 **5. Collaboration.** Regardless of how a criminal justice planning committee is
23 established pursuant to subsection 1, a county may collaborate with another county or
24 counties with which it has not formed a committee to work together to seek grants or
25 establish community corrections programs or initiatives.

26 **Sec. 29. 34-A MRSA §1209-A, sub-§2, ¶H**, as amended by PL 2007, c. 653, Pt.
27 A, §21, is further amended to read:

28 H. A representative of a statewide municipal association nominated by the
29 association and appointed by the Governor; and

30 **Sec. 30. 34-A MRSA §1209-A, sub-§2, ¶I**, as amended by PL 2007, c. 653, Pt.
31 A, §22, is further amended to read:

32 I. A representative of a statewide organization for victims of crime appointed by the
33 Governor; ~~and~~

34 **Sec. 31. 34-A MRSA §1209-A, sub-§2, ¶J**, as enacted by PL 2007, c. 653, Pt.
35 A, §23, is repealed.

36 **Sec. 32. 34-A MRSA §1209-A, sub-§5, ¶A**, as repealed by PL 2007, c. 653, Pt.
37 A, §24, is reenacted to read:

1 A. Establish strategic goals and outcomes to guide the investment in and
2 expenditures on corrections programs and facilities;

3 **Sec. 33. 34-A MRSA §1209-A, sub-§5, ¶E**, as repealed by PL 2007, c. 653, Pt.
4 A, §24, is reenacted to read:

5 E. Monitor the status of the state and local correctional systems, project future
6 facility needs and develop recommendations for new or expanded facilities and
7 programs;

8 **Sec. 34. 34-A MRSA §1209-A, sub-§5, ¶F**, as repealed by PL 2007, c. 653, Pt.
9 A, §24, is reenacted to read:

10 F. Monitor and evaluate county use of state jail subsidies and recommend changes to
11 the correctional system if necessary;

12 **Sec. 35. 34-A MRSA §1209-A, sub-§5, ¶G**, as repealed by PL 2007, c. 653, Pt.
13 A, §24, is reenacted to read:

14 G. Monitor and evaluate the use of community corrections funds by the counties and
15 make recommendations for the use and allocation of these funds as necessary;

16 **Sec. 36. 34-A MRSA §1209-A, sub-§5, ¶H**, as repealed by PL 2007, c. 653, Pt.
17 A, §24, is reenacted to read:

18 H. Regarding the Community Corrections Incentive Fund established in section
19 1210-C, provide standards and guidance to fund applicants, receive and review
20 applications for grants from the fund, approve applications that meet the standards
21 and administer the grants;

22 **Sec. 37. 34-A MRSA §1209-A, sub-§5, ¶I**, as repealed by PL 2007, c. 653, Pt.
23 A, §24, is reenacted to read:

24 I. Monitor and evaluate the use of awards from the Community Corrections
25 Incentive Fund, established in section 1210-C, and recommend changes or
26 modifications to the use of these funds as necessary;

27 **Sec. 38. 34-A MRSA §1209-A, sub-§5, ¶J**, as amended by PL 2007, c. 653, Pt.
28 A, §24, is further amended to read:

29 J. Review laws and policies and monitor proposed legislation and policies that affect
30 the state and county criminal justice and correctional systems; and make
31 recommendations to the legislative, executive and judicial branches regarding these
32 proposals; ~~and report these findings to and consult with the State Board of~~
33 ~~Corrections established in Title 5, section 12004-G, subsection 6-C; and~~

34 **Sec. 39. 34-A MRSA §1210-C**, as repealed by PL 2007, c. 653, Pt. A, §27, is
35 reenacted to read:

1 **§1210-C. Community Corrections Incentive Fund**

2 There is established the nonlapsing Community Corrections Incentive Fund.
3 Pursuant to section 1209-A, the State Sentencing and Corrections Practices Coordinating
4 Council shall approve applications and award and administer to counties competitive
5 grants from the fund. Grants must be used for initiatives to expand community
6 corrections, regional programs and other efforts to improve the efficiency and
7 effectiveness of the correctional system. Awards must be made in correctional areas that
8 include but are not limited to pretrial diversion, pretrial release, transition, specialty jails,
9 regional cooperation and deferred disposition programs. Grants must also be awarded
10 based on considerations of improved efficiency, offender and court docket reduction,
11 consolidation of resources, reduced recidivism and improved methods for the delivery of
12 services. When applicable, grant applications and awards must be based on established
13 evidence-based correctional practices. Only a county that establishes or participates as a
14 member of a criminal justice planning committee under Title 30-A, section 1671 may
15 apply for grants distributed pursuant to this section.

16 **Sec. 40. 34-A MRSA §1210-D** is enacted to read:

17 **§1210-D. Community Corrections Fund and County Jail Prisoner Support Fund**

18 **1. Establishment of Community Corrections Fund.** The Community Corrections
19 Fund is established for the purpose of providing state funding for establishing and
20 maintaining community corrections. For purposes of this subsection, "community
21 corrections" means the delivery of correctional services for adults in the least restrictive
22 manner that ensures the public safety by the county or for the county under contract with
23 a public or private entity. "Community corrections" includes, but is not limited to,
24 preventive or diversionary correctional programs, pretrial release or conditional release
25 programs, alternative sentencing or housing programs, electronic monitoring, residential
26 treatment and halfway house programs, community correctional centers and temporary
27 release programs from a facility for the detention or confinement of persons convicted of
28 crimes. Twenty percent of the funds collected from surcharges under Title 4, section
29 1057 that are appropriated pursuant to subsection 3 must be dedicated to the purpose of
30 community corrections and deposited in the Community Corrections Fund.

31 **2. Establishment of County Jail Prisoner Support Fund.** The County Jail
32 Prisoner Support Fund is established for the purpose of providing state funding for a
33 portion of the counties' costs of the support of prisoners detained or sentenced to county
34 jails. Eighty percent of the funds collected from surcharges under Title 4, section 1057
35 that are appropriated pursuant to subsection 3 must be dedicated to the purpose of
36 subsidizing the counties' costs of the support of prisoners detained or sentenced to county
37 jails and deposited in the County Jail Prisoner Support Fund.

38 **3. Distribution.** Beginning October 1, 2011 and annually thereafter, the department
39 shall distribute to the counties amounts to be dedicated to the Community Corrections
40 Fund under subsection 1 and to the County Jail Prisoner Support Fund under subsection
41 2. The department may distribute amounts to each county based on each county's
42 percentage of statewide jail inmate days, which must be calculated for the last fiscal year
43 for which data is available.

1 **4. Cost-of-living adjustment for equitable distribution.** In addition to funds
2 received pursuant to subsection 3, a 3% cost-of-living adjustment on the annual
3 appropriation for the community corrections county jail prisoner support funds must be
4 dedicated to the County Jail Prisoner Support Fund until each county has achieved the
5 appropriate subsidy in this fund based on its percentage of statewide jail inmate days.
6 Once equity has been achieved, the cost-of-living adjustment must be distributed between
7 the Community Corrections Fund and County Jail Prisoner Support Fund pursuant to
8 subsections 1 and 2.

9 **5. County community corrections fund.** Each county treasurer shall place the
10 funds received from the department pursuant to subsection 1 into a separate community
11 fund. A county may use funds placed in this account only for community corrections as
12 defined in subsection 1.

13 Before distributing to a county that county's entire distribution from the collection of
14 surcharges pursuant to Title 4, section 1057, the department shall require that county to
15 submit appropriate documentation to the State Sentencing and Corrections Practices
16 Coordinating Council established in section 1209-A verifying that the county expended
17 20% of its prior distribution for the purpose of community corrections as defined in
18 subsection 1. If a county fails to submit appropriate documentation verifying that the
19 county expended 20% of its prior distribution for the purpose of community corrections,
20 the department shall distribute to that county only 80% of its distribution. The
21 department shall distribute the 20% not distributed to that county to all other counties that
22 submit appropriate documentation verifying compliance with the 20% expenditure
23 requirement for the purpose of community corrections. The department shall distribute
24 these funds to those qualifying counties in an amount equal to each county's percent
25 distribution pursuant to subsection 3.

26 **6. Surcharge imposed.** In addition to the 14% surcharge collected pursuant to Title
27 4, section 1057, an additional 1% surcharge must be added to every fine, forfeiture or
28 penalty imposed by any court in this State, which for the purposes of collection and
29 collection procedures is considered a part of the fine, forfeiture or penalty. All funds
30 collected pursuant to this subsection are nonlapsing and must be deposited monthly in the
31 County Jail Prisoner Support Fund under subsection 2 and the Community Corrections
32 Fund under subsection 1.

33 **Sec. 41. 34-A MRSA §1404,** as amended by PL 2009, c. 391, §9, is repealed.

34 **Sec. 42. 34-A MRSA §1405,** as amended by PL 2009, c. 142, §15 and c. 391,
35 §10, is repealed.

36 **Sec. 43. 34-A MRSA c. 1, sub-c. 5,** as amended, is repealed.

37 **Sec. 44. 34-A MRSA §3063,** as repealed by PL 2007, c. 653, Pt. A, §31, is
38 reenacted to read:

1 **§3063. Transfer to jails**

2 **1. Transfer of prisoner.** The commissioner may transfer a prisoner serving a
3 sentence in a correctional facility to a county jail, upon the request of the chief
4 administrative officer and the approval of the sheriff of the jail.

5 **2. Cost of transfer.** The department shall pay the cost of the transfer or the return of
6 the prisoner.

7 **3. Reimbursement.** Upon the request of the sheriff of the jail receiving a prisoner
8 pursuant to this section, the department shall pay directly to the jail an amount computed
9 at a per diem per capita rate established by the jail. The department shall reimburse the
10 jail for costs incurred in the provision of extraordinary medical or surgical treatment to
11 the person transferred. The payment amount provided for in this section may be adjusted
12 or dispensed with on terms mutually agreeable to the department and the sheriff, if the
13 department houses any prisoners for the jail.

14 **4. Transferee subject to rules.** A person transferred under this section is subject to
15 the general rules of the facility to which the person is transferred, except that:

16 A. The term of the original sentence remains the same unless altered by the court;

17 B. The person becomes eligible for meritorious good time as provided in Title 17-A,
18 section 1253 for a person committed to the department;

19 C. The person becomes eligible for release and discharge as provided in Title 17-A,
20 section 1254 for a person committed to the department;

21 D. The person is entitled to have the time served in the jail under this section
22 deducted from the sentence; and

23 E. A person transferred under this section becomes eligible for furloughs, work or
24 other release programs, and supervised community confinement as authorized by
25 sections 3035 and 3036-A and may apply pursuant to the rules governing the
26 correctional facility from which the prisoner was transferred.

27 **5. Return of prisoner.** A prisoner transferred pursuant to this section must be
28 returned to the department upon the request of the commissioner or the sheriff.

29 **Sec. 45. 34-A MRSA §3063-B** is enacted to read:

30 **§3063-B. Transfer from jails**

31 The commissioner may accept custody of persons transferred to the department from
32 county jails under Title 30-A, section 1557-B.

33 **SUMMARY**

34 Public Law 2007, chapter 653 enacted changes to the laws governing the delivery of
35 state and county correctional services. This bill reverses those changes.

1 This bill repeals changes that were enacted pursuant to Public Law 2007, chapter 653,
2 whose purpose was to develop and implement a unified correctional system. The bill
3 eliminates the State Board of Corrections, which was directed to work with counties, the
4 Department of Corrections, the Legislature and other stakeholders in the criminal justice
5 system to oversee and coordinate the correctional system.

6 The bill reenacts procedures for county budgeting that do not separate correctional
7 costs from noncorrectional costs. The bill also reenacts prior procedures for county
8 corrections reimbursement by the State.