

MAINE STATE LEGISLATURE

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L.D. 1419

Date: 6/6/11

(Filing No. H-531)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1045, L.D. 1419, Bill, "An Act To Improve the Coordination of State and County Correctional Services"

Amend the bill by striking out the title and substituting the following:

'An Act To Improve the Coordination of County Correctional Services'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 30-A MRSA §406, sub-§1, as enacted by PL 2007, c. 653, Pt. A, §6, is amended to read:

1. Managing jail and prison capacity and offender placement. Consistent with the board's determination of facility use and purpose under Title 34-A, section 1803, subsection 2, paragraph A, the sheriffs shall assist the Commissioner of Corrections with respect to the daily management of offender bed space throughout the ~~unified~~ coordinated correctional system pursuant to Title 34-A, section 1801, subsection 1. The sheriffs shall daily provide the following information to the Commissioner of Corrections:

A. Facility population by gender; classification; legal status, including pretrial or sentenced; special needs; and any other parameters determined by the Commissioner of Corrections; and

B. Facility capacity and available bed space or bed space needs by the reportable parameters under paragraph A.

Sec. 2. 30-A MRSA §406, sub-§1-A is enacted to read:

1-A. Accepting transferred inmates. A correctional facility shall accept any inmate transferred to it by the Commissioner of Corrections pursuant to Title 34-A, sections 1404 or 1405 if:

A. Such transfer is consistent with policies established by the board pursuant to Title 34-A, section 1803; and

COMMITTEE AMENDMENT

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1 B. There are sufficient vacant and budgeted beds in that facility appropriate for the
2 security classification and any special needs or circumstances of the transferred
3 inmate.

4 **Sec. 3. 30-A MRSA §406, sub-§2**, as enacted by PL 2007, c. 653, Pt. A, §6, is
5 amended to read:

6 **2. Coordinated correctional system plan.** The sheriffs may recommend a
7 downsizing plan, a plan for capital construction and a reinvestment ~~strategies~~ strategy to
8 the board.

9 **Sec. 4. 30-A MRSA §709**, as enacted by PL 2007, c. 653, Pt. A, §11, is amended
10 to read:

11 **§709. County correctional services budgets presented to State Board of Corrections**

12 Notwithstanding any other provision of law, beginning July 1, ~~2008~~ 2012 and for all
13 subsequent fiscal years, ~~4~~ 12 months prior to the beginning of the ~~fiscal year~~ the county
14 ~~clerk from next biennium~~ each county shall submit ~~that county's annual~~ its proposed
15 biennial correctional services budget for ~~the state fiscal year~~ to the State Board of
16 Corrections established in Title 5, section 12004-G, subsection 6-C. The proposed
17 budget submitted must be signed by the chair of the county commissioners and attested to
18 by the county commissioners' clerk. The budget must include specific amounts for each
19 correctional services related expenditure.

20 **Sec. 5. 30-A MRSA §710, sub-§§1 to 3**, as enacted by PL 2007, c. 653, Pt. A,
21 §12, are amended to read:

22 **1. Budget growth guidance and proposed budget.** At least ~~6~~ 14 months before the
23 beginning of ~~each state fiscal year~~ the first year of the next biennium, the ~~State Board of~~
24 ~~Corrections, established in Title 5, section 12004-G, subsection 6-C and referred to in this~~
25 ~~section as "the board,"~~ corrections working group established in Title 34-A, section 1804
26 ~~shall set a growth limitation~~ provide biennial budget growth guidance for the correctional
27 services expenditures in the new fiscal year for each county biennial budget. The county
28 commissioners shall submit proposed itemized correctional services budgets to the board
29 in a format and by a date to be determined annually by the board, but no later than 12
30 months before the beginning of the next biennium.

31 **2. Review of county correctional services budgets.** The board shall review, amend
32 if necessary and approve each county correctional services budget submitted under
33 subsection 1. ~~If the county correctional services budget submitted to the board does not~~
34 ~~exceed the growth limitation established under subsection 1 and is consistent with board~~
35 ~~directives under Title 34-A, section 1803, the board must accept the county~~
36 ~~commissioners' approval of the county's correctional services budget.~~

37 ~~If the county correctional services budget submitted exceeds the growth limitation~~
38 ~~established under subsection 1 or is inconsistent with board directives under Title 34-A,~~
39 ~~section 1803, the board must further review, amend and adopt a correctional services~~
40 ~~budget for the county under subsections 3, 4 and 5.~~

41 **3. Hearing on county commissioners' budget.** ~~If a county correctional services~~
42 ~~budget submitted to the board exceeds the growth limitation established under subsection~~

1 ~~1 or is inconsistent with a directive of the board under Title 34-A, section 1803, the board~~
2 ~~must further review the proposed budget together with any supplementary material~~
3 ~~prepared by the county commissioners, county correctional services administrators, the~~
4 ~~Department of Corrections or any other person or entity from whom the board chooses to~~
5 ~~receive supplementary material.~~ The board may hold a hearing under this subsection,
6 except that it shall hold a hearing on a county correctional services budget when the
7 county requests a hearing. If the board holds a hearing under this subsection, the
8 provisions of Title 5, chapter 375, subchapter 4 apply.

9 **Sec. 6. 34-A MRSA §1404, sub-§§1 and 2,** as enacted by PL 2007, c. 653, Pt.
10 A, §28, are amended to read:

11 **1. Managing facility capacity and inmate placement.** Consistent with the board's
12 determination of facility use and purpose under section 1803, subsection 2, paragraph A,
13 the commissioner is responsible for the daily management of inmate bed space
14 throughout the unified coordinated correctional system and shall direct the transfer of
15 inmates between facilities in order to fulfill this responsibility. The commissioner shall
16 develop a process for information sharing between the correctional facilities and the
17 county jails, which must include at a minimum:

- 18 A. Daily reporting to the department by county jails of:
 - 19 (1) Facility population by gender; classification; legal status, including pretrial
 - 20 or sentenced; special needs; and any other parameters determined by the
 - 21 commissioner; and
 - 22 (2) Facility capacity and available bed space or bed space needs by the
 - 23 reportable parameters under subparagraph (1); and

24 B. Regular consultation with sheriffs.

25 **2. Coordinated correctional system plan.** The commissioner may recommend a
26 downsizing plan and a reinvestment strategies strategy to the board.

27 **Sec. 7. 34-A MRSA §1801, sub-§1,** as enacted by PL 2007, c. 653, Pt. A, §30, is
28 amended to read:

29 **1. Purpose of the board.** The purpose of the board is to develop and implement a
30 unified coordinated correctional system that demonstrates sound fiscal management,
31 achieves efficiencies, reduces recidivism and ensures the safety and security of
32 correctional staff, inmates, visitors, volunteers and surrounding communities.

33 **Sec. 8. 34-A MRSA §1801, sub-§2,** as enacted by PL 2007, c. 653, Pt. A, §30, is
34 amended to read:

35 **2. State goals.** The board shall develop goals to guide the development of and
36 evaluate the effectiveness of a unified coordinated correctional system. The board shall
37 present its goals for review and approval by the joint standing committee of the
38 Legislature having jurisdiction over criminal justice and public safety matters. The goals
39 must include benchmarks for performance in the following areas:

- 40 A. Recidivism reduction;
- 41 B. Pretrial diversion; and

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C. Rate of incarceration.

Sec. 9. 34-A MRSA §1802, sub-§1, ¶¶A and B, as enacted by PL 2007, c. 653, Pt. A, §30, are amended to read:

A. ~~One member must be a sitting sheriff~~ Two members selected from a list of 3 nominations submitted to the Governor by a statewide organization representing sheriffs, at least one of whom must be a county sheriff;

B. ~~One member must be a sitting county commissioner~~ Two members selected from a list of 3 nominations submitted to the Governor by a statewide organization representing county commissioners, at least one of whom must be a county commissioner;

Sec. 10. 34-A MRSA §1802, sub-§1, ¶E, as amended by PL 2009, c. 89, §1, is further amended to read:

E. ~~Four~~ Two members must be broadly representative of the public ~~and the geographical regions of the State. One of the 4 members appointed under this paragraph must be selected from a list of 3 nominations submitted to the Governor by a statewide organization representing county commissioners.~~ A member appointed under this paragraph may not be an elected state or county official or municipal officer and may not derive income in substantial portion from work as an employee of a state, county or municipal government or in the field of corrections.

Sec. 11. 34-A MRSA §1803, first ¶, as enacted by PL 2007, c. 653, Pt. A, §30, is amended to read:

The In addition to other duties and powers set out in this Title, the board is charged with the following responsibilities and duties.

Sec. 12. 34-A MRSA §1803, sub-§1, as amended by PL 2009, c. 391, §§11 to 13, is further amended to read:

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

A. ~~Set and enforce a yearly growth limitation for Review, amend if necessary and adopt~~ the correctional services expenditures in each county budget under Title 30-A, section 710;

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

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

D. Review department biennial and supplemental budget proposals affecting adult correctional and adult probation services and submit recommendations regarding these budget proposals to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters and the joint standing

1 committee of the Legislature having jurisdiction over appropriations and financial
2 affairs;

3 E. Develop parameters for facility population, including but not limited to gender;
4 classification; legal status, including pretrial or sentenced; and special needs; and

5 F. Enter into contracts on behalf of and with the consent of the county
6 commissioners and sheriffs in the case of county jails, and with the consent of the
7 board of directors of the regional jail authority in the case of a regional jail, for goods
8 and services when such contracts will:

- 9 (1) Lower the cost of providing correctional services;
- 10 (2) Improve delivery of correctional services; or
- 11 (3) Otherwise help to achieve the goals of the board pursuant to section 1801.

12 **Sec. 13. 34-A MRSA §1803, sub-§3, ¶C**, as enacted by PL 2007, c. 653, Pt. A,
13 §30, is amended to read:

14 C. Coordinate transportation of inmates in the ~~unified~~ coordinated correctional
15 system.

16 **Sec. 14. 34-A MRSA §1803, sub-§10**, as enacted by PL 2007, c. 653, Pt. A, §30,
17 is amended to read:

18 **10. Reporting.** The board shall make initial reports to the joint standing committee
19 of the Legislature having jurisdiction over criminal justice and public safety matters by
20 January 15, 2009 and by April 1, 2009. Thereafter, the board shall report at least
21 annually, beginning January 15, 2010, and as requested. Reports must include any
22 recommendations for amending laws relating to the ~~unified~~ coordinated correctional
23 system or the board.

24 **Sec. 15. 34-A MRSA §1803-A** is enacted to read:

25 **§1803-A. Office of executive director**

26 **1. Appointment.** The Commissioner of Corrections, with the advice and the consent
27 of the board, and on a timetable directed by the board, shall hire an executive director
28 who serves at the pleasure of the board.

29 **2. Qualifications.** To qualify for appointment as executive director, a person must
30 have training and experience commensurate with the duties and powers assigned to the
31 position as determined by the board.

32 **3. Duties and powers of executive director.** The Executive Director of the State
33 Board of Corrections shall perform administrative duties and exercise the powers
34 consistent with policies established by the board.

35 **Sec. 16. 34-A MRSA §1804, last ¶**, as enacted by PL 2007, c. 653, Pt. A, §30, is
36 amended to read:

37 The corrections working group shall meet as needed and as requested by either one or
38 both cochairs to engage in information sharing and to discuss and resolve any issues or
39 problems experienced in daily operation of the ~~unified~~ coordinated correctional system,

1 including the placement of inmates. The group shall advise and assist the board in the
2 ongoing improvement of the ~~unified~~ coordinated correctional system. In carrying out this
3 function, the working group may consult with experts and stakeholders, including but not
4 limited to prosecutors, defense attorneys, judges, victim advocates, providers and
5 advocates for persons with mental illness and other interested parties. If an issue arises
6 that cannot be responded to by the working group, the board shall meet to review the
7 issue. The working group shall report to the board.

8 **Sec. 17. Transition of membership of State Board of Corrections.**
9 Notwithstanding the Maine Revised Statutes, Title 34-A, section 1802, subsection 1, a
10 member of the State Board of Corrections who is serving on the effective date of this Act
11 continues to serve until the expiration of that member's term and until that member's
12 replacement is appointed and confirmed.'

13 **SUMMARY**

14 This amendment makes the following changes to the laws governing the State Board
15 of Corrections.

- 16 1. It directs the focus of the State Board of Corrections from the unification of State
17 and county correctional services to the coordination of county correctional services.
- 18 2. It addresses management of offenders within the coordinated correctional system
19 in order to ensure optimal use of available budgeted jail beds.
- 20 3. It revises the provisions of law governing the submission of jail budgets to the
21 State Board of Corrections.
- 22 4. It revises the membership of the State Board of Corrections.
- 23 5. It allows the State Board of Corrections to enter into contracts in pursuit of stated
24 goals, and it codifies the role of the board's executive director.

25 **FISCAL NOTE REQUIRED**

26 (See attached)



125th MAINE LEGISLATURE

LD 1419

LR 1483(02)

An Act To Improve the Coordination of State and County Correctional Services

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

The additional costs to the Department of Corrections and the State Board of Corrections can be absorbed utilizing existing budgeted resources.