



125th MAINE LEGISLATURE

SECOND REGULAR SESSION-2012

Legislative Document

No. 1635

H.P. 1225

House of Representatives, December 20, 2011

An Act Regarding Inmates on Public Works Projects

(EMERGENCY)

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

Received by the Clerk of the House on December 16, 2011. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Heath Je Fuit

HEATHER J.R. PRIEST Clerk

Presented by Representative CLARKE of Bath.

Cosponsored by Senator GERZOFSKY of Cumberland, Senator GOODALL of Sagadahoc and Representatives: BURNS of Whiting, FOSSEL of Alna, GRAHAM of North Yarmouth, KENT of Woolwich, MacDONALD of Boothbay, OLSEN of Phippsburg.

Printed on recycled paper

- 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,** current law allows inmates in county jails to participate in public works-4 related projects and in the improvement of property owned by charitable organizations; 5 and
- 6 **Whereas,** current law restricts the inmates to working in the county where the jail is 7 located; and
- 8 **Whereas,** current practice is that inmates participate in public works-related projects 9 wherever the projects are being conducted; and
- 10 **Whereas,** it is necessary for this legislation to take effect before the 90-day period 11 after adjournment ends to clarify existing law and facilitate projects; and
- 12 **Whereas,** in the judgment of the Legislature, these facts create an emergency within 13 the meaning of the Constitution of Maine and require the following legislation as 14 immediately necessary for the preservation of the public peace, health and safety; now, 15 therefore,
- 16 Be it enacted by the People of the State of Maine as follows:
- Sec. 1. 30-A MRSA §1606, sub-§1, as amended by PL 2001, c. 171, §9, is
 further amended to read:
- 19 1. Participation in public works projects authorized. The sheriff in charge of a 20 county jail may permit certain inmates of that jail to participate in public works-related 21 projects supervised by the sheriff of the county in which the public works projects are being conducted or in the improvement of property owned by charitable organizations if 22 23 the public works project or the property of the charitable organization is in the county where the jail is located. The sheriff may request payment from charitable organizations 24 25 for the transportation of the prisoners and for the transportation and per diem 26 compensation for any guards who accompany the prisoners. For the purposes of this section, "charitable organization" means any nonprofit organization organized or 27 28 incorporated in this State or having a principal place of business in this State that is exempt from federal income taxation under the United States Internal Revenue Code of 29 30 1986, Section 501(a), because the nonprofit organization is described in the United States 31 Internal Revenue Code of 1986, Section 501(c)(3).
- 32 **Emergency clause.** In view of the emergency cited in the preamble, this 33 legislation takes effect when approved.
- 34 SUMMARY
- This bill removes the restriction that inmates of a county jail may work only on projects in the county where the jail is located.