

# MAINE STATE LEGISLATURE

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L.D. 186

Date: 6-23-15

(Filing No. H-496)

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
127TH LEGISLATURE  
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 61,  
L.D. 186, Bill, "An Act To Reverse Jail Consolidation"

Amend the amendment in the 3rd paragraph in the 2nd line (page 1, line 16 in amendment) by inserting after the following: "sheriffs" the following: 'and fiscal oversight by the county commissioners'

Amend the amendment in section 2 in subsection 3-A in the last paragraph in the last line (page 2, line 6 in amendment) by inserting after the following: "2009:" the following: 'Distributions from the County Jail Operations Fund must be made in accordance with Title 34-A, section 1210-D, subsection 4.'

Amend the amendment in section 15 in §1557-B by striking out all of subsection 3 (page 3, lines 31 to 36 and page 4, lines 1 to 20 in amendment) and inserting the following:

'3. Reimbursement. Reimbursement for the support of a prisoner who is transferred by a sending jail to a receiving jail or the Department of Corrections is subject to the provisions of this subsection.

A. The sending jail shall pay to the receiving jail or the Department of Corrections an amount computed per diem per prisoner and agreed upon between the 2 jails or between the jail and the department, except that the amount may not exceed \$108 per diem per prisoner.

B. The sending jail shall reimburse the receiving jail or the Department of Corrections for any costs incurred in the provision of extraordinary medical or surgical treatment for conditions of the prisoner that existed prior to transfer.

C. Payment amounts provided for in this subsection may be adjusted or dispensed with upon terms mutually agreeable to the sheriff of the sending jail and the sheriff of the receiving jail or the Department of Corrections.'

Amend the amendment by inserting after section 21 the following:

'Sec. 22. 30-A MRS §1662 is enacted to read:

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§1662. Jail defined

As used in this chapter, unless the context otherwise indicates, the term "jail" means a county jail that is in the custody and charge of a sheriff pursuant to section 1501 and a multicounty jail that is the responsibility of a jail authority pursuant to chapter 17.

Sec. 23. 34-A MRSA §1001, sub-§10-B is enacted to read:

10-B. Jail. "Jail" means a county jail that is in the custody and charge of a sheriff pursuant to Title 30-A, section 1501 and a multicounty jail that is the responsibility of a jail authority pursuant to Title 30-A, chapter 17.'

Amend the amendment in section 23 in §1210-D by striking out all of subsection 4 (page 7, lines 11 to 27 in amendment) and inserting the following:

'4. Distribution. Beginning July 1, 2015 and annually thereafter, the department shall distribute to the counties from the fund amounts based on a formula that is established by rule adopted by the department. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A. The formula established by rule must rely on data submitted by the jails in a standardized format as required by the department, must be based on the current fiscal year for which data is available and must:

- A. Calculate the total statewide county jail prisoner days for all jails;
- B. Assign to each jail the number of county jail prisoner days, based on the number of prisoners imprisoned or detained at the jail plus the number boarded at another jail or at a department correctional facility, but not including federal prisoners;
- C. By reference to the amount appropriated to the fund pursuant to subsection 1, determine the rate per day per prisoner for each jail; and
- D. Determine the reimbursement amount for each county based on factors in paragraphs A to C.'

Amend the amendment in section 24 by striking out all of subsection 12 (page 7, lines 35 to 40 in amendment) and inserting the following:

'12. County jail funding; multicounty jail funding. The commissioner shall receive, administer and distribute to the county jails and the multicounty jail funding provided through the General Fund, Other Special Revenue Funds and any federal and grant funds in accordance with section 1210-D and Title 30-A, section 1659-A. The department shall make distributions to each jail during the first 10 days of each calendar quarter as required by section 1210-D and as may be adjusted pursuant to section 1208-B, subsection 1, paragraph B.'

Amend the amendment in section 29 in §3063-C by striking out all of subsection 3 (page 8, lines 30 to 42 and page 9, lines 1 to 8 in amendment) and inserting the following:

'3. Reimbursement. Reimbursement for the support of a prisoner who is transferred by the Commissioner of Corrections to a jail is subject to the provisions of this subsection.

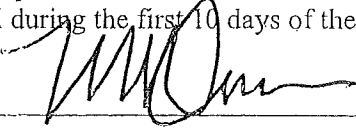
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- 1        A. The department shall pay to the receiving jail an amount computed per diem per
- 2        prisoner and agreed upon between the department and the jail, except that the amount
- 3        may not exceed \$108 per diem per prisoner.
- 4        B. The department shall reimburse the jail for any costs incurred in the provision of
- 5        extraordinary medical or surgical treatment for conditions of the prisoner that existed
- 6        prior to transfer.
- 7        C. Payment amounts provided for in this subsection may be adjusted or dispensed
- 8        with upon terms mutually agreeable to the department and the sheriff of the receiving
- 9        jail.
- 10       Amend the amendment by relettering or renumbering any nonconsecutive Part letter
- 11       or section number to read consecutively.

**SUMMARY**

This amendment does the following:

- 13       1. It defines "jail" to mean a county jail or a multicounty jail;
- 14       2. It clarifies the formula to be used to determine the distribution of General Fund
- 15       funding to each county to support its jail;
- 16       3. It clarifies the calculation of payments among the jails and the Department of
- 17       Corrections for prisoners transferred from one facility to another; and
- 18       4. It requires that the Department of Corrections distribute the funding to the county
- 19       jails and the multicounty jail during the first 10 days of the calendar quarter.
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21       SPONSORED BY: 

22       (Representative DEVIN)

23       TOWN: Newcastle