

		MINC	ORITY		
1				L.D. 186	
2	Date: (۱۶/۱	5		(Filing No. S- 305 ⁻)	
3	CRIMINAL JUSTICE AND PUBLIC SAFETY				
4	Reproduced	Reproduced and distributed under the direction of the Secretary of the Senate.			
5	L	STATE OF MAINE			
6	SENATE				
7		127TH LEGISLATURE			
8		FIRST REGULAR SESSION			
9 10	COMMITTE Jail Consolidation		" to S.P. 61, L.D. 186, Bi	ill, "An Act To Reverse	
11	Amend the bill by striking out the title and substituting the following:				
12 13		'An Act To Amend the Membership and Quorum of the State Board of Corrections and Appropriate Funding for Fiscal Years 2015-16 and 2016-17'			
14 15	Amend the bill by inserting after the title and before the enacting clause the following:				
16 17	'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and				
18 19 20 21	Whereas, for the continued stable and effective operation of the jails of this State, the composition of the State Board of Corrections must be amended, the quorum must be changed to a workable number, a member must be appointed chair of the board by operation of law and funding must be provided by July 1, 2015; and				
22 23 24 25	Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'				
26 27		Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:			
28 29		'Sec. 1. 5 MRSA §12004-G, sub-§6-C, as enacted by PL 2007, c. 653, Pt. A, §3, is amended to read:			
30	6-C.				
31 32	Corrections	State Board of Corrections	Expenses Only <u>Not</u> Authorized	34-A MRSA §1801	

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COMMITTEE AMENDMENT

COMMITTEE AMENDMENT " (> " to S.P. 61, L.D. 186

Sec. 2. 34-A MRSA §1802, as amended by PL 2013, c. 598, §11, is further amended to read:

§1802. Board membership

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1. Appointments. The board consists of 5 7 members who. The appointments made under paragraphs A and B are appointed by the Governor. Each appointment is subject to review by the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters and to confirmation by the Senate, except those members appointed pursuant to paragraph C. The following provisions govern member qualifications membership of the board is as follows:

- A. One member <u>appointed by the Governor</u> must be a sheriff nominated by a statewide organization representing sheriffs;
- B. One member <u>appointed by the Governor</u> must be a county commissioner nominated by a statewide organization representing county commissioners;
 - C. Two members must be representatives of the executive branch and at least one of the 2 must be from the department; and

E. One member must be broadly representative of the public. The 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.

- F. The commissioner;
- 21 <u>G. The Commissioner of Administrative and Financial Services or the</u> 22 <u>commissioner's designee;</u>
- 23 H. The Commissioner of Public Safety or the commissioner's designee;
- 24 I. The Chief of the State Police or the chief's designee; and
- 25 J. The Commissioner of Health and Human Services, who shall serve as a nonvoting
 26 member, or the commissioner's designee.

27 **2. Terms.** Members of the board <u>who are appointed by the Governor under</u> 28 <u>paragraphs A and B</u> serve at the pleasure of the Governor and, must be appointed for 3-29 year terms. A member and may continue to serve until that member's replacement is 30 appointed and confirmed. A vacancy must be filled for the remainder of the unexpired 31 term. Members <u>who are appointed by the Governor under paragraphs A and B</u> may be 32 reappointed. <u>Members of the board who serve pursuant to subsection 1, paragraphs F to J</u> 33 <u>serve as ex officio members.</u>

- 34 3. Chair. The board- <u>Commissioner of Corrections</u> shall select a chair from among
 35 its membership. A chair may serve as chair for more than one term.
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 4. Compensation. Members of the board are <u>not</u> entitled to compensation according to the provisions of Title 5, section 12004-G, subsection 6-C.

38 5. Assistance. The department shall provide administrative support for the
 39 operations of the board, including but not limited to filing public notices, taking meeting
 40 minutes and recording decisions.

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COMMITTEE AMENDMENT

6. Board meetings. The board shall meet at least 4 times per year and as often as necessary at the discretion of the chair. Any 3 members of the board may call a meeting.

7. Quorum. Two thirds of the <u>Three</u> members of the board constitute a quorum for purposes of voting, $\frac{2}{3}$ of the members constitute a quorum for purposes of and rulemaking and $\frac{3}{2}$ members constitute a quorum for subcommittee hearings held by the board that do not involve decision making.

8. Records and meetings. All meetings and records of the board are subject to the provisions of Title 1, chapter 13.

Sec. 3. Transition. Notwithstanding the Maine Revised Statutes, Title 34-A, section 1802, subsection 2, the terms of those members of the State Board of Corrections serving on the effective date of this Act expire upon the effective date of this Act.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.'

SUMMARY

This amendment is the minority report of the committee. This amendment replaces the bill. The amendment adds an emergency preamble and emergency clause to the bill. The amendment changes the membership and quorum of the State Board of Corrections. The amendment does the following.

1. It changes the composition of the State Board of Corrections, adding 5 members as follows: the Commissioner of Administrative and Financial Services, the Commissioner of Corrections, the Commissioner of Health and Human Services, the Commissioner of Public Safety and the Chief of the State Police or the designees of each of those persons. It requires the member who represents a statewide organization of sheriffs and the member who represents a statewide organization of county commissioners to be appointed by the Governor.

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2. It repeals entitlement to compensation for members of the board.

3. It changes the quorum rules as follows: for voting and rulemaking it changes the
quorum from 2/3 of the membership to 3 members and for a subcommittee hearing it
changes the quorum from 3 to 2.

30 4. It designates the Commissioner of Corrections as chair.

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(See attached)

FISCAL NOTE REQUIRED

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COMMITTEE AMENDMENT



127th MAINE LEGISLATURE

LD 186

LR 378(03)

An Act To Reverse Jail Consolidation

Fiscal Note for Bill as Amended by Committee Amendment '&'(S-305) Committee: Criminal Justice and Public Safety Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

The additional costs associated with increasing the size of the State Board of Corrections are expected to be minor and can be absorbed by the member agencies utilizing existing budgeted resources.