

MAINE STATE LEGISLATURE

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MINORITY

L.D. 186

Date: 6/18/15

(Filing No. S-305)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE

SENATE

127TH LEGISLATURE

FIRST REGULAR SESSION

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

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

'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'

Amend the bill by inserting after the title and before the enacting clause the following:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

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

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,'

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

'Sec. 1. 5 MRSA §12004-G, sub-§6-C, as enacted by PL 2007, c. 653, Pt. A, §3, is amended to read:

6-C.

Corrections State Board of Corrections Expenses Only Not Authorized 34-A MRSA §1801

COMMITTEE AMENDMENT

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

3 **§1802. Board membership**

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

10 A. One member appointed by the Governor must be a sheriff nominated by a
11 statewide organization representing sheriffs;

12 B. One member appointed by the Governor must be a county commissioner
13 nominated by a statewide organization representing county commissioners;

14 ~~C. Two members must be representatives of the executive branch and at least one of~~
15 ~~the 2 must be from the department; and~~

16 ~~E. One member must be broadly representative of the public. The member~~
17 ~~appointed under this paragraph may not be an elected state or county official or~~
18 ~~municipal officer and may not derive income in substantial portion from work as an~~
19 ~~employee of a state, county or municipal government or in the field of corrections.~~

20 F. The commissioner;

21 G. The Commissioner of Administrative and Financial Services or the
22 commissioner's designee;

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 who are appointed by the Governor under
28 paragraphs A and B 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 who are appointed by the Governor under paragraphs A and B may be
32 reappointed. Members of the board who serve pursuant to subsection 1, paragraphs F to J
33 serve as ex officio members.

34 **3. Chair.** ~~The board~~ Commissioner of Corrections shall ~~select a chair from among~~
35 ~~its membership. A chair may serve as chair for more than one term.~~

36 **4. Compensation.** Members of the board are not entitled to compensation ~~according~~
37 ~~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.



Approved: 06/17/15 *AMZC*

127th MAINE LEGISLATURE

LD 186

LR 378(03)

An Act To Reverse Jail Consolidation

Fiscal Note for Bill as Amended by Committee Amendment 'B'(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.