

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 101

H.P. 69

House of Representatives, January 17, 2017

An Act Regarding the Transportation of Prisoners to County Jails

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative STEWART of Presque Isle.
Cosponsored by Senator ROSEN of Hancock and
Representatives: CEBRA of Naples, ESPLING of New Gloucester, GERRISH of Lebanon,
HERRICK of Paris, JOHANSEN of Monticello, Senator: LANGLEY of Hancock.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 4 MRSA §1057, sub-§3-A**, as amended by PL 2015, c. 335, §2, is further
3 amended to read:

4 **3-A. Reimbursement to counties.** Monthly, the Treasurer of State shall transfer
5 funds from the Government Operations Surcharge Fund to the County Jail Operations
6 Fund ~~program~~, established in Title 34-A, section 1210-D, for the purpose of supporting
7 the operation of the jails in an amount equal to 2% of the total fines, forfeitures and
8 penalties, including the surcharge imposed pursuant to subsection 2-A, received by the
9 Treasurer of State for deposit in the Government Operations Surcharge Fund. Monthly,
10 the Treasurer of State shall transfer funds from the Government Operations Surcharge
11 Fund to the County Jail Transportation Reimbursement Fund, established in Title 34-A,
12 section 1210-E, for the purpose of reimbursing a county for costs incurred in the
13 transportation of a person in accordance with Title 30-A, section 1557-C in an amount
14 equal to 0.5% of the total fines, forfeitures and penalties, including the surcharge imposed
15 pursuant to subsection 2-A, received by the Treasurer of State for deposit in the
16 Government Operations Surcharge Fund. The balance remaining in the Government
17 Operations Surcharge Fund at the end of each month must accrue to the General Fund.
18 Funds collected and deposited each month to the Government Operations Surcharge Fund
19 must be transferred on the last day of the month in which the collections are made to the
20 County Jail Operations Fund ~~program~~ and to the County Jail Transportation
21 Reimbursement Fund.

22 At the close of each month, the State Controller shall calculate the amount to be
23 transferred to the County Jail Operations Fund ~~program~~ and to the County Jail
24 Transportation Reimbursement Fund based on the collections made during the month.
25 The State Controller shall transfer by journal entry the amount due to the County Jail
26 Operations Fund ~~program~~ and to the County Jail Transportation Reimbursement Fund.

27 **Sec. 2. 30-A MRSA §1557-C** is enacted to read:

28 **§1557-C. Transportation to county jail**

29 **1. Request for transportation.** A municipal law enforcement agency having
30 custody over a person pursuant to an arrest may request that the sheriff of the county jail
31 to which the person is to be transported assume custody over the person and transport the
32 person to the county jail. Upon receipt of a request for transportation under this
33 subsection, the sheriff shall assume custody over the person and ensure that the person is
34 transported to the county jail in a timely manner.

35 **2. Costs of transportation.** A county shall pay the costs of the transportation of a
36 person to a county jail under subsection 1 and may seek reimbursement for the costs in
37 accordance with subsection 3.

38 **3. Reimbursement for costs.** A county that incurs costs in the transportation of a
39 person to a county jail in accordance with this section may obtain reimbursement of the
40 costs in the following manner.

1 A. If the person transported under this section is convicted of the crime for which the
2 person was arrested by the municipal law enforcement agency or for a crime arising
3 out of the circumstances that led to that arrest, the county may seek reimbursement
4 from that person for the actual costs incurred in transporting the person to the county
5 jail, including the per diem compensation of the accompanying officers.

6 B. If the convicted person fails to reimburse the county for its costs in accordance
7 with paragraph A, the county may apply for reimbursement of costs from the County
8 Jail Transportation Reimbursement Fund established under Title 34-A, section
9 1210-E.

10 **Sec. 3. 34-A MRSA §1210-E** is enacted to read:

11 **§1210-E. County Jail Transportation Reimbursement Fund**

12 The County Jail Transportation Reimbursement Fund, referred to in this section as
13 "the fund," is established as a nonlapsing, dedicated fund within the department. The
14 department shall administer the fund and distribute funds to the counties in accordance
15 with this section. Funds within the fund may be used only to reimburse a county for costs
16 the county incurred in transporting a person to a county jail in accordance with Title
17 30-A, section 1557-C, except that the department may use funds from the fund to cover
18 the department's expenses relating to the administration of the fund.

19 **1. Application for reimbursement.** To be eligible to receive a disbursement from
20 the fund, a county must apply to the fund for reimbursement under Title 30-A, section
21 1557-C. An application for reimbursement must include a detailed breakdown of the
22 actual costs incurred by the county in transporting a person in accordance with Title
23 30-A, section 1557-C and must, if applicable, describe prior efforts by the county to seek
24 reimbursement from the person transported under Title 30-A, section 1557-C, subsection
25 3, paragraph A.

26 **2. Reimbursement criteria.** Subject to the availability of funds within the fund, the
27 department shall approve and disburse funds from the fund to a county that has filed an
28 application for reimbursement in accordance with subsection 1 if the department
29 determines that:

30 A. The costs for which reimbursement is sought by the county are reasonable based
31 upon the circumstances of the transportation; and

32 B. The county has made reasonable efforts to secure reimbursement for its costs
33 from the person transported as authorized under Title 30-A, section 1557-C,
34 subsection 3, paragraph A and that person has failed to fully reimburse the county, or
35 the county demonstrates to the satisfaction of the department that the person
36 transported was not convicted of a crime relating to the arrest for which the person
37 was transported.

38 **SUMMARY**

39 This bill authorizes a municipal law enforcement agency with custody over a person
40 pursuant to an arrest to request that the sheriff of the county jail to which the person is to

1 be transported assume custody over the person and transport the person to the county jail.
2 Upon receipt of such request, the sheriff is required to assume custody over the person
3 and ensure that the person is transported to the county jail in a timely manner. The costs
4 of transporting a person under this provision are to be paid by the county, which may
5 seek reimbursement for such costs from the person transported under certain
6 circumstances or apply for reimbursement from the County Jail Transportation
7 Reimbursement Fund, which is established in this bill. The County Jail Transportation
8 Reimbursement Fund is funded from a percentage of the total fines, forfeitures and
9 penalties received monthly for deposit into the Government Operations Surcharge Fund.