

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1296

H.P. 893

House of Representatives, April 4, 2017

**An Act To Prohibit the Privatization of State Correctional Facilities
and the State's Forensic Hospitals**

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 WARREN of Hallowell.
Cosponsored by Senator CYRWAY of Kennebec and
Representatives: GOLDEN of Lewiston, HYMANSON of York, POULIOT of Augusta,
TUCKER of Brunswick, Senators: CHENETTE of York, SAVIELLO of Franklin.

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

2 **Sec. 1. 34-A MRSA §1201**, as amended by PL 1991, c. 314, §9, is further
3 amended to read:

4 **§1201. Legislative intent; findings**

5 Recognizing the need to firmly control all of the State's correctional and detention
6 facilities, provide for the safety of staff and clients, undertake appropriate programming
7 for the classification, education, rehabilitation and maintenance of clients and assure an
8 effective system for the supervision of parolees and probationers, it is the intent of the
9 Legislature to create a Department of Corrections to improve the administration of
10 correctional facilities, programs and services for clients.

11 The Legislature finds and declares that the management and operation of a
12 correctional facility or institution or a forensic hospital that provides psychiatric services
13 to the correctional system and the court system involve functions that are inherently
14 governmental. The imposition of punishment on errant citizens through incarceration
15 requires the State, a unit of local government or a county sheriff to exercise their coercive
16 police powers over individuals and is thus distinguishable from privatization in other
17 areas of government. It is further found that issues of liability, accountability and cost
18 warrant a prohibition of the ownership, operation or management of correctional facilities
19 by private contractors.

20 **Sec. 2. 34-A MRSA §1201-A** is enacted to read:

21 **§1201-A. Certain contracts prohibited**

22 After the effective date of this section, the State, a unit of local government or a
23 county sheriff is prohibited from contracting with a private contractor or private vendor
24 for the provision of services relating to the operation of a correctional facility or a
25 forensic hospital or the incarceration of persons in the custody of the department or a
26 sheriff.

27 **SUMMARY**

28 This bill prohibits the privatization of state correctional facilities and forensic
29 hospitals that provide psychiatric services to the correctional system and the Maine court
30 system.