

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)



# 128th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2018

---

Legislative Document

No. 1704

---

H.P. 1184

House of Representatives, December 22, 2017

### **An Act To Fund the Downeast Correctional Facility**

(EMERGENCY)

---

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 19, 2017. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

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

ROBERT B. HUNT  
Clerk

Presented by Representative TUELL of East Machias.  
Cosponsored by Senator MAKER of Washington and  
Representatives: ALLEY of Beals, BICKFORD of Auburn, COREY of Windham, FAY of  
Raymond, GATTINE of Westbrook, Speaker GIDEON of Freeport, GROHMAN of Biddeford,  
HANDY of Lewiston, HILLIARD of Belgrade, MAREAN of Hollis, NADEAU of Winslow,  
PERRY of Calais, PICCHIOTTI of Fairfield, POULIOT of Augusta, STANLEY of Medway,  
Senators: CARSON of Cumberland, CYRWAY of Kennebec, DESCHAMBAULT of York,  
DIAMOND of Cumberland, DILL of Penobscot, JACKSON of Aroostook, LANGLEY of  
Hancock, MASON of Androscoggin, President THIBODEAU of Waldo, VOLK of  
Cumberland, WOODSOME of York.

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

3           **Whereas,** funding for the Downeast Correctional Facility currently is provided  
4 through fiscal year 2017-18; and

5           **Whereas,** the 90-day period may not terminate until after the end of fiscal year  
6 2017-18; and

7           **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
8 the meaning of the Constitution of Maine and require the following legislation as  
9 immediately necessary for the preservation of the public peace, health and safety; now,  
10 therefore,

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

12           **Sec. 1. Downeast Correctional Facility report.** The Department of  
13 Corrections shall submit a report concerning proposed changes to the Downeast  
14 Correctional Facility to the joint standing committee of the Legislature having  
15 jurisdiction over appropriations and financial affairs and the joint standing committee of  
16 the Legislature having jurisdiction over criminal justice and public safety matters no later  
17 than April 1, 2019. The report must include detailed plans about any proposed changes  
18 concerning the prisoner population at the Downeast Correctional Facility and the related  
19 impact on other correctional facilities. The Department of Administrative and Financial  
20 Services shall assist in the development of the report including the impact of any change  
21 to employee compensation and benefits, an economic and community impact analysis on  
22 any community affected by a shift in prisoner population and the proposed use of any  
23 surplus property generated by facility closure.

24           **Sec. 2. Continued operation of Downeast Correctional Facility.**  
25 Notwithstanding any provision of law to the contrary, the Downeast Correctional Facility  
26 must remain open and operational, except that, after submission of the report required by  
27 section 1 of this Act, the facility may be closed if legislation approving the closure is  
28 enacted into law.

29           **Sec. 3. Appropriations and allocations.** The following appropriations and  
30 allocations are made.

31           **CORRECTIONS, DEPARTMENT OF**

32           **Downeast Correctional Facility 0542**

33 Initiative: Provides funds to restore all positions and related All Other costs in order to  
34 continue operation of the Downeast Correctional Facility beyond June 30, 2018.

35

36 <b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
37           POSITIONS - LEGISLATIVE COUNT	0.000	51.000
38           Personal Services	\$0	\$4,849,665

1	All Other	\$0	\$596,977
2			
3	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$5,446,642</u>
4			
5	<b>FEDERAL EXPENDITURES FUND</b>	<b>2017-18</b>	<b>2018-19</b>
6	All Other	\$0	\$500
7			
8	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$500</u>
9			
10	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2017-18</b>	<b>2018-19</b>
11	All Other	\$0	\$32,526
12			
13	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$32,526</u>

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

16 **SUMMARY**

17 This bill requires the Department of Corrections to report concerning proposed  
18 changes to the Downeast Correctional Facility to the joint standing committee of the  
19 Legislature having jurisdiction over appropriations and financial affairs and the joint  
20 standing committee of the Legislature having jurisdiction over criminal justice and public  
21 safety matters no later than April 1, 2019. The report must include detailed plans about  
22 any proposed changes concerning the prisoner population at the Downeast Correctional  
23 Facility. This bill also specifies the report must include the related impact on other  
24 correctional facilities, the impact of any change to employee compensation and benefits,  
25 an economic and community impact analysis on any community affected by a shift in  
26 prisoner population and the proposed use of any surplus property generated by facility  
27 closure.

28 This bill requires the Downeast Correctional Facility to remain open and operational  
29 prior to the submission of the report to the Legislature and permits the closure of the  
30 facility only if legislation approving the closure is enacted into law.

31 This bill provides funds to restore all positions and related All Other costs in order to  
32 continue operation of the Downeast Correctional Facility beyond June 30, 2018.