

# MAINE STATE LEGISLATURE

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SMY  
R. of S.

Minority

Date: 4/11/2018

L.D. 1841

(Filing No. S-455)

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**CRIMINAL JUSTICE AND PUBLIC SAFETY**

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**STATE OF MAINE**

**SENATE**

**128TH LEGISLATURE**

**SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 694, L.D. 1841, Bill, "An Act To Authorize a Prerelease Facility in Washington County"

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

**'An Act To Establish the Washington County Prerelease and Job Training Center and To Sell the Downeast Correctional Facility'**

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

**'Sec. 1. 34-A MRSA c. 3, sub-c. 6, as amended, is repealed.**

**Sec. 2. 34-A MRSA c. 3, sub-c. 10 is enacted to read:**

**SUBCHAPTER 10**

**WASHINGTON COUNTY PRERELEASE AND JOB TRAINING CENTER**

**§4301. Establishment**

There is established the Washington County Prerelease and Job Training Center, referred to in this subchapter as "the center," which must be located in Washington County.

**§4302. Purposes**

The purposes of the center include vocational training and rehabilitative programs, including but not limited to work release and work involving public restitution, for 50 or fewer prisoners.

**§4303. Director**

1. Chief administrative officer. The chief administrative officer of the center is called the director and is responsible to the commissioner.

**COMMITTEE AMENDMENT**

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1 2. Duties. In addition to other duties set out in this subchapter, the director has the  
2 following duties.

3 A. The director shall exercise proper supervision over the employees, grounds,  
4 buildings and equipment at the center.

5 B. The director shall supervise and control the prisoners at the center in accordance  
6 with departmental rules.

7 3. Designation of acting director. The commissioner may designate an acting  
8 director when the director is absent or unable to perform the director's duties.

9 **§4304. Prisoners generally**

10 1. Confinement of prisoners transferred to center. All prisoners transferred to the  
11 center must be detained and confined in accordance with the sentences of the court and  
12 the rules of the department.

13 2. Vocational training. The director shall work collaboratively with the Department  
14 of Labor, the Department of Education, community vocational and educational  
15 institutions, private employers and other public and private agencies and organizations as  
16 necessary to ensure the provision of suitable vocational training for prisoners at the  
17 center. The director shall maintain necessary equipment and employ suitable qualified  
18 instructors as necessary to carry out the objectives of the center's programs.

19 3. Work release. The director shall work collaboratively with private employers as  
20 necessary to ensure the provision of suitable work release opportunities for prisoners at  
21 the center.

22 4. Employment. The commissioner may authorize the employment of prisoners at  
23 the center on public works with any department, agency or entity of the State or county or  
24 local government and may authorize the use of prisoners to provide assistance in the  
25 improvement of property owned by nonprofit organizations.

26 A. The commissioner shall adopt such rules as the commissioner considers proper to  
27 ensure the care and treatment of the prisoners and the safe working conditions of  
28 prisoners and departmental employees. Rules adopted pursuant to this paragraph are  
29 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

30 B. Employment authorized in this subsection must provide training to the prisoners  
31 at the center and provide an opportunity for public restitution for the crime or crimes  
32 committed by those prisoners.

33 C. A prisoner employed pursuant to this subsection may not be compensated  
34 monetarily for work performed.

35 D. The commissioner may request that a nonprofit organization pay for the  
36 transportation of the prisoners it employs and pay the per diem compensation of  
37 correctional officers or instructors who are required to accompany the prisoners or  
38 oversee the work to be performed.

1 **§4305. Employees of the center**

2 Employees of the center have the same power as deputy sheriffs in their respective  
3 counties to search for and apprehend a prisoner who has escaped from the center when  
4 those employees are authorized to do so by the director.

5 **Sec. 3. Authority for property purchase for Washington County**  
6 **Prerelease and Job Training Center.** The Commissioner of Corrections shall  
7 identify land in Washington County owned by the State and obtain the rights to develop  
8 that land or shall purchase a parcel of land and buildings in Washington County for the  
9 Washington County Prerelease and Job Training Center, by warranty deed with or  
10 without covenants to be conveyed to the Department of Corrections and recorded in the  
11 Washington County Registry of Deeds. Prior to the purchase of the property, the  
12 proposed purchase must be reviewed by the Director of the Bureau of General Services  
13 within the Department of Administrative and Financial Services.

14 **Sec. 4. Sale or lease of Downeast Correctional Facility.** The following  
15 requirements apply to the offering for sale or lease of the property of the Downeast  
16 Correctional Facility.

17 1. The Commissioner of Corrections shall sell or lease the land and buildings known  
18 as the Downeast Correctional Facility, identified as 64 Base Road, consisting of  
19 approximately 25.24 acres in fee and 2.69 acres of easements together with  
20 improvements, identified on Tax Assessor's Map 12 as Lot 053 and recorded in the  
21 Washington County Registry of Deeds, Book 1314, Pages 276 to 286.

22 2. The Commissioner of Corrections may negotiate and execute leases and purchase  
23 and sale agreements upon terms the commissioner considers appropriate.

24 3. If the Downeast Correctional Facility is sold, the sale must occur as is, with no  
25 representations or warranties and with the title transferred by quitclaim deed without  
26 covenant or by release deed to be executed by the Commissioner of Corrections.

27 4. Prior to any lease or sale, the Downeast Correctional Facility must first be offered  
28 to the Maine State Housing Authority or another state or local agency, which may acquire  
29 the property upon satisfaction of the terms of this section.

30 5. The Commissioner of Corrections shall have the current market value of the  
31 Downeast Correctional Facility determined by broker opinion of value and current  
32 comparative market analysis.

33 6. The Commissioner of Corrections may list the state property comprising the  
34 Downeast Correctional Facility for sale or lease with private real estate brokers and  
35 negotiate any sales or leases, solicit bids, sell directly to purchasers or enter directly into  
36 leases with tenants. The Commissioner of Corrections may reject any offers.

37 7. The proceeds from the sale or lease of the Downeast Correctional Facility must, as  
38 designated by the Commissioner of Administrative and Financial Services, be deposited  
39 into the Department of Administrative and Financial Services, Bureau of General  
40 Services' capital repair and improvement account for capital improvements.

41 8. This section is repealed 5 years from the effective date of this Act.

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**Sec. 5. Appropriations and allocations.** The following appropriations and allocations are made.

**CORRECTIONS, DEPARTMENT OF**

**Washington County Prerelease Center N279**

Initiative: Appropriates funds to establish 2 Public Service Manager II positions, 10 Corrections Officer positions, 2 Correctional Sergeant positions, one Teacher BS position, 3 Corrections-Trade Instructor positions and one Community Program Coordinator position and for the All Other costs required for the creation and operation of a Washington County Prerelease Center.

<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
POSITIONS - LEGISLATIVE COUNT	0.000	19.000
Personal Services	\$0	\$1,876,791
All Other	\$0	\$664,879
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$2,541,670</b>

**SUMMARY**

This amendment is the minority report of the committee. The amendment establishes the Washington County Prerelease and Job Training Center to provide vocational training and rehabilitative programs, including but not limited to work release and work involving public restitution, for 50 or fewer prisoners. The amendment provides mechanisms for obtaining the rights to develop land or for purchasing land for the Washington County Prerelease and Job Training Center and for selling or leasing the Downeast Correctional Facility. The proceeds from the sale or lease of the Downeast Correctional Facility must, as designated by the Commissioner of Administrative and Financial Services, be deposited into the Department of Administrative and Financial Services, Bureau of General Services' capital repair and improvement account for capital improvements.

The amendment also adds an appropriations and allocations section.

**FISCAL NOTE REQUIRED**

**(See attached)**



# 128th MAINE LEGISLATURE

LD 1841

LR 2920(03)

## An Act To Authorize a Prerelease Facility in Washington County

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-455)  
 Committee: Criminal Justice and Public Safety  
 Fiscal Note Required: Yes

### Fiscal Note

	FY 2017-18	FY 2018-19	Projections FY 2019-20	Projections FY 2020-21
<b>Net Cost (Savings)</b>				
General Fund	\$0	\$2,541,670	\$2,540,974	\$2,598,966
<b>Appropriations/Allocations</b>				
General Fund	\$0	\$2,541,670	\$2,540,974	\$2,598,966

#### Fiscal Detail and Notes

Provides an ongoing appropriation of \$2,541,670 in 2018-19 to the Department of Corrections for the personal services and all other costs related to the creation and operation of a Washington County Prerelease Center, including 19 new positions. Further assumes facility and facility start-up costs will be absorbed within existing budgeted resources. The amount and timing of any revenue generated from the sale of the state property operated as the Downeast Correctional Facility cannot be determined at this time.

Additional costs to the Department of Education and the Department of Labor to work collaboratively with the director of the Washington County Prerelease and Job Training Center as necessary to ensure the provision of suitable vocational training for prisoners of the center can be absorbed within existing budgeted resources.