

MAINE STATE LEGISLATURE

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L.D. 419

Date: 5-24-21

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MINORITY
CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "B" to H.P. 303, L.D. 419, "An Act Regarding Participation in Public Works Projects by Pretrial Inmates"

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

'An Act Regarding Voluntary Participation in Work Projects by Inmates Who Are Pretrial, Presentence and Sentenced'

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

'Sec. 1. 30-A MRSA §1606, as amended by PL 2019, c. 113, Pt. C, §80, is further amended to read:

§1606. Prisoner voluntary participation in public works projects and in work projects within the jails

1. ~~Participation~~ Voluntary participation in public works projects authorized. The sheriff in charge of a county jail, or the sheriff of a county that shares a regional jail with other counties, may permit certain inmates of that jail, who have been sentenced, to voluntarily participate in public works-related projects or in the improvement of property owned by charitable organizations in that county or another county. A project or improvement must be supervised by the sheriff of the county in which the project or improvement is being conducted. The sheriff may request payment from charitable organizations for the transportation of the prisoners and for the transportation and per diem compensation for any guards corrections officers who accompany the prisoners. For the purposes of this section, "charitable organization" means any nonprofit organization organized or incorporated in this State or having a principal place of business in this State that is exempt from federal income taxation under the United States Internal Revenue Code of 1986, Section 501(a), because the nonprofit organization is described in the United States Internal Revenue Code of 1986, Section 501(c)(3).

1-B. Voluntary participation in work projects within the jails. The sheriff in charge of a county jail, or the sheriff of a county that shares a regional jail with other

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1 counties, may permit certain inmates of that jail who are detained at the jail pretrial or
2 presentence to voluntarily participate in work projects within the jail.

3 **2. Sentence prorated.** Inmates participating in a public works-related project or an
4 improvement of property owned by a charitable organization under ~~this section~~ subsection
5 1 may have their sentences to the jail prorated at the rate of up to one day removed from
6 the sentences for every 16 hours of participation in the project, except that inmates
7 committed to the custody of the sheriff for nonpayment of fines under Title 17-A, section
8 1711 must have their sentences prorated at the rate that is applicable to the individual
9 inmate pursuant to Title 17-A, section 1711, subsection 4, paragraph A, subparagraph (1).

10 **3. Participation not deemed employment.** ~~Participation in this type of~~ Voluntary
11 participation in a work project under subsection 1 or 1-B may not be deemed employment
12 under section 1605, subsections 3 to 8.'

13 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
14 number to read consecutively.

15 **SUMMARY**

16 This amendment is the minority report of the committee. The amendment replaces the
17 bill and provides a new title, "An Act Regarding Voluntary Participation in Work Projects
18 by Inmates Who Are Pretrial, Presentence and Sentenced." The amendment clarifies that
19 participation in work projects within and outside the jails by inmates of the jails is
20 voluntary. The amendment authorizes participation in work projects within the jail by
21 inmates who are pretrial and presentence.