

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 1175

H.P. 853

House of Representatives, March 22, 2021

**An Act To Prohibit Excessive Telephone, Video and Commissary
Charges in Maine Jails and Prisons**

(EMERGENCY)

Received by the Clerk of the House on March 18, 2021. 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 "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative KINNEY of Knox.
Cosponsored by Representative: TUCKER of Brunswick.

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,** incarcerated individuals have limited access to the world outside of the
4 correctional facility where they are housed; and

5 **Whereas,** access to family, friends, counsel and others outside of the correctional
6 facility and access to services such as video or commissary services are necessary for the
7 mental and physical well-being of incarcerated individuals; and

8 **Whereas,** many incarcerated individuals do not have the funds or other means to
9 afford access to people and services or are forced to pay limited and needed funds to pay
10 for access to people or services, with adverse effects on the individuals' mental and physical
11 well-being; and

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

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

17 **Sec. 1. 34-A MRSA §3014** is enacted to read:

18 **§3014. Service charges and contracts**

19 **1. Service charges.** A detention facility or correctional facility under the jurisdiction
20 of the department, a county or municipal detention facility under section 1208 or another
21 facility under section 1208-A may not accept or receive a commission or income in any
22 form from services provided by an outside provider to a client or impose a surcharge for
23 services provided by an outside provider to a client, including telephone, video or
24 commissary services.

25 **2. Contracts for services.** The department shall negotiate a contract for services from
26 an outside provider, including from a telephone, video or commissary provider, on the basis
27 of the lowest cost for the client. A contract for services may not include a connection fee
28 charged to the client and a contract for telephone services may not exceed a rate of 11¢ per
29 minute for domestic, debit, prepaid and collect telephone calls and must allow for a client
30 to receive 2 15-minute telephone calls per week at no charge to the client. A contract
31 negotiated under this subsection must give a county or municipal detention facility under
32 section 1208 and another facility under section 1208-A the option to opt in as a joint party
33 with the department.

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

36 **SUMMARY**

37 This bill prohibits the Department of Corrections, county jails and municipal detention
38 facilities from accepting a commission or charging a fee for the provision of services from
39 an outside provider to incarcerated individuals, including telephone, video and commissary
40 services. This bill also requires the department to negotiate contracts for services, allowing
41 county jails to opt in, at the lowest cost to the client. A contract for services may not include

1 a connection fee. A contract for telephone services may not exceed a rate of 11¢ per minute
2 and must allow incarcerated individuals to receive 2 15-minute telephone calls per week at
3 no charge.