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REPORT OF
THE JOINT SELECT COMMITTEE
ON IMPROVEMENTS
TO THE CORRECTIONS SYSTEM

SEPTEMBER 1986

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Executive Summary

The recommendation of the Committee for the expenditure of the \$16mm bond issue is as indicated on this page. Detail on these expenditures and other recommendations are in the body of the report.

100 bed free standing maximum security facility at Warren	\$11,000,000
50 bed minimum security housing at MSP Farm at S. Warren	1,400,000
100 bed medium security housing at the Maine Correctional Center at S. Windham	2,000,000
50 bed minimum security housing at Charleston Correctional Center	1,000,000
Renovation & construction at MSP related to treatment, recreation and programs	600,000

Background

I. Legislative

After some years of failure to get voter approval of corrections related bond issues, the last three years have seen voter acceptance of 1 bond issue and passage of a significant amount of legislation. The more important pieces of this legislation are summarized below:

A. LD 2479, 1984 An Act to Authorize a General Fund Bond Issue in the amount of \$10,035,000 for Construction and Renovation of Correctional Facilities.

This act split the authorized bond money into \$7,465,000 for the Maine Correctional Center, \$2,200,000 for the State Prison and \$270,000 for the Charleston Correctional Center. It was approved by the voters and initially allocated by the Department of Corrections as follows (this allocation is subject to revision by the Department):

	<u>Cost</u>	<u>Completion</u>
Charleston - Segregation Unit	\$ 270,000	Jan. 1987
Maine State Prison -		
Kitchen/Dining	\$ 500,000	In planning
Administration Bldg.	1,500,000	Held up pending resolution current bond issue
Program Facilities	200,000	In planning
Maine Correctional Center -		
Industries Bldg. (to be used initially as 100 bed dorm)	\$ 750,000	March 1987
Women's Unit	2,245,000	July 1988
Reception/Segregation Unit	1,925,000	July 1988
Men's Med. Security Dorm	1,800,000	July 1988
Perimeter Security	745,000	Not known
Dept. Master Plan -		
Ehrenkrantz	\$ 100,000	Completed

B. LD 2434, 1986 An Act to Implement Certain Recommendations of the Blue Ribbon Commission on Corrections.

The 2 major provisions of this act are:

1. It provides for a program of intensive supervision as an alternative to imprisonment for certain persons sentenced to more than 1 year in prison for Class A, B & C crimes.

2. It provides for the confinement of less serious offenders in county jails. This involves those with sentences of 6 months or less from March 31, 1987 to Dec. 31, 1989 and 9 months or less after Dec. 31, 1989. The Governor's Commission had recommended immediate implementation of a plan involving those with under 1 year sentences and called for confinement in county facilities, not necessarily jail, while the DOC Ehrenkrantz report recommended those sentenced to 6 months or less and specified jails.

C. LD 2439, 1986 An Act to Authorize a General Bond Issue in the Amount of \$15,000,000 for Construction and Renovation of Correctional Facilities.

This bill required that the Legislature allocate the proceeds of the sale of the bonds to specific facilities and locations. The bill was amended to increase the amount to \$16mm, to limit the expenditures to State facilities and to require that the proceeds of the bond sale be allocated by the 113th Legislature. The amendment removed the provision as to how the Legislature should allocate the proceeds i.e. by facility and location. The following amendments were proposed but did not pass:

1. Require that the funds be spent on the State Prison or a new maximum security facility to relieve overcrowding and meet federal requirements for prison housing. (Rep. Scarpino)

2. Raise the amount to \$18,000,000 and allot it as follows:

Renovation MSP	\$ 4,732,000
Renovation & Construction	
MSP Program Area	650,000
Construction at Correctional	2,000,000
Center	
Construction Maximum Security	
Facility	10,618,000

(Rep. T. Murphy)

The bond issue is to go to the voters in November and is to take effect 30 days after the results have been proclaimed by the Governor. It will be the 1st on the ballot of 8 bond issues, whose total is \$65.8 mm.

D. LD 2442, 1986 An Act to Appropriate Funds Necessary to Implement an Intensive Supervision Program, to Develop Community Corrections Programs and to Address Needs of the Department.

The following were the major purposes for which funds were allotted by this Act:

Establish a Centralized Classification Office	\$ 62,000
Additional Funding for Excavation & Site Preparation for Previously Authorized 100 Bed Dormitory at MCC	355,000
Purchase of Treatment Services	130,000
Create & Staff a 100 Bed Dormitory at MCC	276,000
Expand Program for Special Needs Offenders at MCC	103,000
Additional Guards & Correctional Officers	241,000
Probation & Parole Personnel	295,000
Intensive Supervision Teams	313,000
County Per Diem Funds	250,000

E. Senate Paper 986 A Joint Resolution Which Established the Joint Select Committee on Improvements to the Corrections System.

The mission of this committee is to present to the Legislative Council by Sept. 15 its findings and recommendations as to how the LD 2439 bond money should be spent. A 2/3 vote is required for a recommendation to be submitted. The Legislative Council is required to inform the voters prior to the November election of the proposed allocation of the bond issue monies.

II. Prison Standards

The existence of prison standards and the threat of a suit based on them, particularly a class action suit, has undoubtedly prompted a good bit of the recent attention to the prison situation. The American Civil Liberties Union has been particularly active in supporting prisoner interests.

The two most generally used sets of prison standards are discussed below:

A. U.S. Constitution

1. Prison inmates have the right to be reasonably free from violence.

a. An environment in which officials have lost control is forbidden.

b. Officials must exercise reasonable care to provide reasonable protection from unreasonable risk of harm.

2. Prisoners are entitled to living conditions that are not so inhumane as to fall below contemporary standards of decency or deny inmates minimal civilized measure of life's necessities.

a. Comfortable prisons are not mandated by the Constitution.

b. Freedom from discomfort is prohibited for those convicted of serious crime.

3. Expert opinion does not establish constitutional guidelines.

4. Prisoners do not have a right to rehabilitation.

5. Deprivation of job and educational opportunities does not violate the Constitution.

6. Protective custody inmates are not required to be treated identically with the general prison population.

7. Administrative convenience and expense are properly considered by a court in determining constitutional validity of prison policy.

B. American Correctional Association

1. Population must not exceed rated bed capacity

2. One inmate per cell in cells designed for 1 inmate

3. The cell to have a minimum of 60 square feet for confinement of less than 10 hours and 80 square feet if more than 10 hours

4. Multiple occupancy cells allowed only in minimum security institutions

5. Multiple occupancy cells should have no fewer than 3 inmates and no more than 50.

6. Each inmate in multiple occupancy cells should have a minimum of 50 square feet.

III. Prisoner Class Action Suit

One of the major recent landmarks in the history of the Maine Correctional System was a class action suit by inmates at the State Prison which began in the late 1970's and was adjudicated in 1983. The issues posed in the 1983 case were:

A. 8th & 14th Amendment claims

1. The level of violence at MSP is unnecessarily excessive due to
 - a. inadequate staffing
 - b. blind spots in the East Wing
 - c. pervasive idleness
 - d. failure to separate violent and non-violent inmates
2. Living and working conditions are substandard due to:
 - a. inadequate living space
 - b. substandard sanitation, lighting and ventilation
 - c. excessive noise
 - d. deficient fire safety and industrial hygiene
3. There is a lack of meaningful work and vocational, educational and recreational offerings. The Court rejected this claim on the basis that prisoners do not have a constitutional right to rehabilitation.

With the exception of #3, the Court found that there was a constitutional basis to these claims, but the evidence presented did not support a finding that the defendants were in violation of constitutional standards. However, the Court stated that it did not approve of conditions at the prison and that in a number of instances the threat of the suit had been required to raise conditions to the level of acceptability. It also stated that it was displeased that there were a number of low cost improvements which still had not been made.

B. Restraint cells

The Court found that these cells violated 8th Amendment standards.

C. State Law Claims

The Court declined to consider these claims because of:

1. the dearth of State Court authority interpreting these provisions
2. the awkwardness of projecting the interpretation of State law by the State's highest court
3. the deference due State courts on questions of State law

IV. Studies

Three study reports by commissions or outside consultants were completed in the period Dec. 1985 to Feb. 1986. These reports dealt with the issues raised by the class action suit and the 1984 legislation and led in large measure to the 1986 legislation. They are discussed below:

A. The Master Plan for the Statewide Correctional System by the Ehrenkrantz Group & Allied Engineering

The total budget recommendation of this study was for \$59mm. Forty-nine million dollars of this was for construction and renovation and was broken down as follows:

500 bed maximum facility	\$45.0mm
279 maximum security	
116 reception	
83 mental health	
21 segregation	
100 interim trailer beds at MCC	.5
30 Charleston Barracks renovation beds	.1
Renovations to Bangor Pre-Release Kitchen	.1
State Prison Renovations (Installation of life safety devices and expansion of industry program space)	3.0

It was also recommended that a test be conducted of the following methods of handling the State/county relationship as far as corrections is concerned:

1. Maintain the current system
2. Place those sentenced for less than 6 months in county jails.
3. Place those sentenced for less than 1 year in county based non-institutional treatment.
4. Integrate county jails into the State system.

The legislation that passed implemented #2 on a statewide basis. Relative to #3, it implemented a program of intensive supervision under the Department of Corrections for certain persons sentenced to more than 1 year for A, B & C offenses.

B. The Governor's Blue Ribbon Commission on Corrections

The mission of this Commission was to deal principally with program issues and with alternatives to incarceration in the State prison system. As far as funding is concerned, the major recommendations of the Governor's Commission were:

1. A program for incarcerating in county jails all prisoners whose sentences are for less than 1 year with the State to pay per diem for their custody. This per diem would include all prisoners currently sentenced to county jails.

Legislation was passed implementing the essence of this recommendation with the exception that from the April 1, 1987 inception of the program until Dec. 31, 1989 the only persons involved would be those with 6 month sentences or less. Beginning with Jan. 1, 1990, this would be extended to 9 months. The other exception is that under the legislation the State would not reimburse the county for those convicted of Class D & E crimes.

2. A program of intensive supervision rather than confinement.

3. A three fold increase in the funds allocated for programs through community development and purchase of contracted services.

These programs would include establishment and reimbursement of halfway houses, group homes, therapeutic group homes, and residential treatment facilities for multiple offender groups, including drug, alcohol and sex offenders, both juveniles and adults.

While the Legislature has since appropriated funds for additional community corrections services, funding levels were below the recommendation of the Blue Ribbon Commission. The Department of Corrections has committed itself to seeking further increases in community corrections funding in the 113th Legislature.

C. "An Evaluation of the Proposed 12 Month State Inmate Program upon the County Facilities of Maine." A report submitted to the Sheriff's Association and the Dept. of Corrections by Carter/Goble Assocs. functioning as the private contractor for the National Institute of Corrections.

This study sought to measure the effect on the county jail system of the proposed transfer of prisoners. Its major conclusions were as follows:

1. Implementation of the county transfer program will require the development of a substantially expanded supply of bedspace at both county and state levels. The program will not remove the State from that requirement.
2. Eight counties would have to begin an immediate program to expand their bedspace supply. Most of these counties would need to take this action regardless of the Governor's recommended program. The 1987 capital impact for bedspace for these 8 counties is \$18.4mm, of which \$16.6 would be required without the Governor's program and \$1.9 would be required by the Governor's program. This is based on the Sheriff's recommendation for transferring those with sentences of 9 months and under.
3. The remaining counties could begin to participate in the Governor's program, but with 9 month sentences, without requiring a program for additional bedspace. However, by 1990 and with 12 month sentences all but 1 county would require additional bedspace for a total cost of \$8.5mm.
4. If the Governor's program is not followed, the State has the following other options.
 - a. Construct a 500 bed mixed custody facility for inmates serving less than 12 months
Cost \$37.5mm;
 - b. Construct 3 regional minimum custody facilities of 100 beds each.
Cost \$13.0mm
5. While finding that a cost analysis is favorable to the Governor's Committee's proposals, the author recommended that a great deal more study and evaluation be undertaken before the shift of inmates to county responsibility is undertaken.
6. A further recommendation was that a requirement of a community based program such as this is the continuation of open and frank communication between the State and the counties.

Method

The Committee undertook the following activities in order to obtain information necessary to making its recommendations.

1. Reviewed all corrections oriented legislation beginning in 1984.
2. Reviewed the following 3 reports:
 - a. The Master Plan for the Maine State Correctional System as prepared by Ehrenkrantz Assocs., Dec. 1985
 - b. The Report of the Governor's Blue Ribbon Commission on Corrections, Dec. 1985
 - c. An Evaluation of the Proposed 12-Month State Inmate Program Upon the County Facilities by Carter Goble Assocs. under the direction of the National Institute of Corrections, Feb. 1986
3. Made visits to the Maine State Prison at Thomaston, the Prison Farm at Warren, and the Maine Correctional Center at S. Windham and held coincident public hearings.
4. Held 5 public hearings in Augusta at which the following individuals testified.

Donald Allen, Commissioner, Dept. of Corrections
Craig McEwen, Maine Civil Liberties Union
Mark Corrigan, Director, National Institute for Sentencing Alternatives
Curtis Pulitzer, Project Mgr., The Ehrenkrantz Group
Kevin Concannon, Commissioner, Dept. of Mental Health
Lloyd Ohlin, Chairman, the Governor's Commission on Corrections
Charles Sherburne, Donald Cannon and Joseph Parisi of the American Federation of State, County & Municipal Employees

Findings & Conclusions

I. Prison Living

The 1983 class action law suit gave an excellent description of living conditions at the Maine State Prison. It forms the basis for the following description with modification made to reflect findings of this Committee.

A. Living units

MSP was built in 1920. It has an operational capacity of 402.

It is intended that inmates at MSP reside in single occupancy cells or in open dormitories. However, currently 1.5% of cells have double occupancy, with further double celling, on an emergency basis, expected during September, 1986. The prison cell block is divided into the East Wing Cell Block (East Block), the largest single housing subdivision, the Center Cell Block (Center Block), and the West Wing Cell Block (West Block). The prison open dormitories, and the Administrative Segregation Unit are located across the vehicle entrance from West Block in the "New Building."

Generally speaking, cells for the general population are located on four tiers. Windows are located across the steel grate walkways from the cells. Cells measure approximately 42 square feet. Each cell normally contains a bed and a mattress, a folding chair, a writing table, a footlocker, a toilet which can be operated from within the cell, a wash basin with hot and cold running water, an electrical outlet, and a television cable connection. A light is located on the inside far wall of the cell and also can be operated from within the cell.

In addition to the generalizations made above, in the Center Block there are two panels, each of seven cells, formerly used to house Protective Custody inmates. These measure only about 35 square feet. Between the two levels of these cells is a platform containing a picnic table and a shower, which serves as a dayroom for inmates confined in the 14 cells. In the West Block on the first floor, which is below-ground, Protective Custody inmates inhabit two Cell Dormitories.

There are two types of dormitories at MSP: cell dormitories and open dormitories. Cell dormitories are so designated because the barred corridor which runs parallel to the cells is wide enough to allow for tables and chairs, and can serve therefore as a dayroom for the inmates. There are six open dormitories. The occupancy of these dormitories ranges from 7 to 25 inmates. One of these dormitories is for protective custody inmates.

The Administration Segregation Unit at MSP is located west of West Block on the top floor of the New Building. The appointment of the cells in the Segregation Unit at MSP is more spartan than those in the other prison cell blocks. None of the cells in the Segregation Unit have hot running water. The light of each North and Plank side cell is controlled by a switch outside the cell. There are no electrical outlets in the North and Plank side cells for televisions, radios or other appliances.

A statistical summary of living situation data is contained in Exhibit H.

B. Industries and Jobs

Most jobs within the prison industries program are performed in shifts so that one inmate works in the morning and another works the same job in the afternoon. The workshop employs the majority of inmates who work in the prison industries program. There are 65 inmates employed in the four principal divisions of the industries program out of a total population of about 490.

In addition to the industries program, inmates at MSP hold a variety of other jobs maintaining or operating the prison. Three hundred ten inmates are employed in these jobs outside the industries program. If an inmate performs his assigned job satisfactorily, he is eligible for two days of extra good time per month.

The crafts program at MSP is reserved for inmates who hold prison jobs. In the crafts program, inmates may use their free time to manufacture and sell novelties to the public for a profit at the prison outlet store in Thomaston.

A limited number of cleaning and maintenance jobs are open to Protective Custody inmates. Protective Custody inmates are allowed to manufacture crafts in their dormitories.

Because they are restricted to their segregated housing areas, Administrative Segregation inmates do not have access to the industries program at MSP. Administrative Segregation inmates rarely can earn the good time credits afforded working inmates. Administrative Segregation inmates are also barred from participation in the prison crafts program.

C. Recreation

A variety of recreational facilities are available to general population inmates at MSP. A corner of the prison yard roughly 50 feet by 100 feet is enclosed with a high chain-link fence topped with coiled razor wire for use by Protective Custody and Administrative Segregation inmates. During their one hour a day of outdoor exercise Protective

Living Situation at
Maine State Prison
(Thomaston)

	Capacity	Current Occupancy %	% of cells that are double occupancy	Cell Size (sq. ft)	Type Inmate	Windows
<u>East Wing</u>						
Cells	210	100	0	42	general	yes(53 no)
Annex(dorm)	16	86	NA	NA	general	yes
<u>Center Block</u>						
reg. cells	49	100	0	42	general	yes(14 no)
cell dorms	28	100	0	35	general	yes
open dorm 7	9	100	NA	NA	general	yes
<u>West Wing</u>						
reg. cells	24	100	22	42	general	yes
cell dorms	48	100	0	35	24 general/24 protect. cust.	no
<u>New building</u>						
open dorm 1	12	100	NA	NA	general	yes
open dorm 2	7	100	NA	NA	general	yes
open dorm 3	21	100	NA	NA	general	yes
open dorm 4	25	92	NA	NA	protect. cust	yes
Administrative Segregation	31	37	21	48(22), 35(6)	NA	yes
<u>American Correctional Assn standards</u>						
general population			0	60		
non-general				80		

JK/jlb/6895

Custody inmates are led through a general population cell block to get out of doors, and, once out of doors, they exercise within view of other inmates. Because they are often heckled, Protective Custody inmates frequently do not exercise in the bullpen. Since they are allowed out of their cells alone one hour a day, and only three hours per week may be spent outdoors, Administrative Segregation inmates have little recreation.

D. Education Programs

The prison employs two teachers and offers a prison literacy program, a G.E.D. program and a college program through the University of Maine at Augusta. Twenty-four inmates are enrolled in college courses and 17 in basic education for a total of 41. Protective Custody and Segregation inmates are not permitted to visit the library or to participate in group educational programs available to general population inmates.

E. Inmate Routine

Inmates' schedules vary depending upon their living area. The schedule of general population inmates confined in the East Block is:

7:10 a.m.	wake up
8:05 a.m.	breakfast
8:30 a.m.	assignment/recreation
11:25 a.m.	return to cell for count
12:10 p.m.	noon meal
12:35 p.m.	assignment/recreation
3:25 p.m.	return to cell
4:00 p.m.	evening meal
4:25 p.m.	lockup

On weekends, East Block inmates return to their cells after breakfast, are accounted for, and then may either go to recreation or stay in their cells. At 3:30 p.m. they are released for the evening meal and then locked up at 4:30 p.m. East Block inmates are also allowed out of their cells three nights a week from about 5:00 p.m. to 8:30 p.m. Saturday evenings are reserved for visitation, religious activities and special events.

Protective Custody inmates may go outdoors for one hour a day in the bullpen area. They may also be out of their cells three nights a week. Administrative Segregation inmates remain in their cells 23 hours a day.

In its broad outline, the typical day of a general population inmate at MSP consists of one half day of work and one half day of recreation. Work at MSP consists of either an assignment to a shift in a shop or an assignment to an operations work crew. Inmates may also choose to participate in a basic education program, a remedial reading class or a G.E.D. course, rather than a job. Recreation at MSP consists of either free time spent at one of the recreation areas at the prison or participation in the prison crafts program.

II. Construction Costs

Table A shows a breakdown of construction costs by type of facility.

III. Conclusions

A. General Agreement

There was nearly unanimous agreement as to the following conclusions:

1. The conditions in the Maine State Prison System are unacceptable and may in some areas be below constitutionally mandated standards. The major issues are overcrowded bed space, idleness caused by lack of sufficient industry and recreation facilities and accompanying programs, and the mixing of inmates of various classifications.

2. The problem is compounded by the changing nature of the prison population with more sex offenders and more older prisoners, occasioned by the use of longer sentences and the elimination of parole. These types of prisoners mix poorly with the hell-raising element that is generally found in prisons, and is on the increase because of, among other things, the decline in the proportion of the population brought up in a traditional family setting and because of the increasing use of drugs.

3. The Ehrenkrantz Master Plan and the Governor's Blue Ribbon Commission are both on target and should form the basis of the State's correctional planning, the former as to facilities and the latter as to programs and alternative sentencing.

4. As to facilities, the State's greatest need is the 500 bed maximum facility for trouble makers, reception, mental health and administrative segregation.

TYPICAL PRISON CONSTRUCTION

EXHIBIT A

METHODS and COSTS

Date: August 1, 1986

By: The Ehrenkrantz Group

CLASSIFICATION / COST per BED*

MAXIMUM

\$95,000 - 105,000/bed

MEDIUM

\$70,000 - 90,000/bed

MINIMUM

\$40,000 - 50,000/bed

COMMUNITY/ LOW MINIMUM

\$20,000 - 30,000/bed

STRUCTURE

- Steel or concrete frame; Pre-cast/poured in-place concrete
- Masonry construction solidly grouted with reinforcing \emptyset on-center (perimeter)
- Security plaster and or painted block finishes
- Sheet rock finishes in administrative areas only
- Fire rating: Housing: 2 hours
Program: 1-2 hours

- Steel or concrete frame
- Masonry solidly grouted (reinforcing where necessary in perimeter)
- Pre-cast and/or poured in-place concrete
- Painted block or plaster finishes
- Sheet rock finishes in selective areas
- Fire rating: Housing: 2 hours
Programs: 1-2 hours

- Hollow metal stud framing (or similar)
- Block and sheet rock construction
- Painted block or sheet rock finishes
- Fire rating: Housing: 1 hour
Programs: 0-1 hour

- Residential wood frame construction
- Sheetrock interiors

FIXTURES/HARDWARE

- High security locks and hardware
- Security glazing
- High security furnishings and fixtures (i.e. stainless steel combination toilets/lavs.)
- Sophisticated electronic control, monitoring and surveillance systems

- High security locks and hardware along perimeter
- Medium security locks and hardware within the facility
- Medium security furnishings and fixtures (i.e. porcelain toilets and lavs.) in housing
- Institutional type furnishings elsewhere
- Electronic control and surveillance systems in selective areas
- Security glazing in selective areas

- Commercial grade locks and hardware
- Residential type fixtures and furnishings
- Limited electronic monitoring and surveillance systems
- Institutional grade glazing (i.e. tempered + plexiglass)

- Residential grade locks, hardware fixtures and furnishings
- No electronic monitoring systems

SECURITY PERIMETER

- Double security fencing with multiple rows of razor ribbon on and between fencing
- CCTV
- Perimeter intrusion detection alarm
- Guard towers
- Road Patrol

- Double or single security fence
- Perimeter intrusion detection alarm

- None or commercial grade chain link fence

- NONE

* costs are in 1988 dollars and reflect totally new free standing facility costs per bed including housing and all support functions

The State currently has no true maximum security facility. At MSP maximum security offenders mix with other classifications during work and recreation periods. Also crowding conditions at MSP are worse than at any other facility.

There is also a lack of a facility to create and implement a centralized uniform classification system. There is a need for a central reception housing unit and for appropriate resources to properly classify inmates according to their individual needs.

5. While current needs are greater for maximum security beds, future shortages are predicted to be most acute for minimum and medium security beds.

B. Areas of Debate

The areas of disagreement in the hearings were caused by the fact that the Committee had only a \$16mm bond issue to work with, while the cost of the desired maximum care facility is \$45mm.

The majority of those appearing before the Committee felt that the State should utilize a major portion of the \$16mm to build a 100 bed free standing maximum care facility and then it should be in proximity to the current facilities in order that certain support functions can be used in common. These people felt that the chances of ever getting a 500 bed facility are slim, that the need is immediate for maximum security beds, and that, if funds became available, the 100 bed facility could be added to or the needs divided and a separate facility developed in another location.

The minority group was opposed to the 100 bed facility. They felt that it is essential that MSP be closed or be redeveloped for very different Corrections use and that the existence of the 500 bed maximum facility is the only way that this will come about. They felt that building the 100 bed facility will virtually eliminate the chances of the 500 bed facility ever being built. Their preference was not to include maximum security needs in this bond issue and to aggressively work for a timely new bond issue to build the desired 500 bed facility.

C. Support Data

Exhibits A1-A3 show 4 options presented by the DOC for the use of the bond issue, while Exhibit B gives the response to those by the Maine Civil Liberties Union. Exhibits D and E provide the final proposals of DOC and MCLU, while Exhibit F is a detailed discussion of the DOC proposals. Finally, Exhibit G indicates the prison capacity situation in 1990 both without the effect of the current bond issue and with the effect based on the Department's plan for utilizing this issue.

MAINE DEPARTMENT OF CORRECTIONS

July 28, 1986

1986 BOND ISSUE POSSIBLE OPTIONS

OPTION A

<u>LOCATION</u>	<u>DESCRIPTION</u>	<u>APPROXIMATE COST</u>	<u>BEDSPACE/PROGRAM IMPACT</u>
MSP or Elsewhere	New Maximum Security Facility	\$11,000,000	+100 maximum security beds
MSP	Renovate East Wing to ACA Standards	\$ 4,700,000	-100 maximum security beds
MSP	Renovate/Construct improvements to recreation and athletic areas	\$ 300,000	additional program space
<u>TOTAL BEDSPACE IMPACT OPTION A</u>			<u>0</u>

OPTION B

MSP or elsewhere	New Maximum Security Facility	\$11,000,000	+100 maximum security beds
Downeast, Charleston or MCC	New Minimum Security Housing	\$ 2,000,000	+100 minimum security beds
MSP	Finish renovations and additions to recreation and athletic areas	\$ 600,000	additional program space
MSP	Improve East Wing	\$ 2,400,000	Upgrade East Wing housing in terms of electrical, plumbing, ventilation
<u>TOTAL BEDSPACE IMPACT OPTION B</u>			<u>+200 BEDS</u>

OPTION C

<u>LOCATION</u>	<u>DESCRIPTION</u>	<u>APPROXIMATE COST</u>	<u>BEDSPACE/PROGRAM IMPACT</u>
MSP or elsewhere	New Maximum Security Facility	\$11,000,000	+100 maximum security beds
Downeast, Charleston, MCC, or MSP Farm Area	Add New Minimum Security Units	\$ 3,600,000	+200 minimum security beds
To Be Determined	Purchase of Community Program Beds	\$ 600,000	+ 30 community beds
MSP	Finish renovations and additions to recreation and athletic areas	\$ 600,000	additional program space
<u>TOTAL BEDSPACE IMPACT OPTION C</u>			<u>+330 BEDS</u>

OPTION D

<u>LOCATION</u>	<u>DESCRIPTION</u>	<u>APPROXIMATE COST</u>	<u>BEDSPACE/PROGRAM IMPACT</u>
Pineland	New Maximum Security Unit	\$ 9,500,000	+100 maximum security beds
Pineland	Renovate for medium minimum and community security classifications	\$ 5,500,000	+250 minimum + 50 medium + 50 community beds
MSP	finish renovations and additions to recreation and athletic areas	\$ 600,000	additional program space
To be determined	Purchase of Community Program Beds	\$ 400,000	+ 20 community beds
<u>TOTAL BEDSPACE IMPACT OPTION D</u>			<u>+470 BEDS</u>

OPTION E

<u>LOCATION</u>	<u>DESCRIPTION</u>	<u>APPROXIMATE COST</u>	<u>BEDSPACE/PROGRAM IMPACT</u>
MSP	New maximum security	\$11,000,000	+200 maximum security beds
MSP	New minimum security	\$ 4,000,000	+100 minimum security beds
MCC	New minimum security	\$ 500,000	+ 50 minimum security beds
To be determined	Purchase of Community Program Beds	\$ 500,000	+30 community beds
<u>TOTAL BEDSPACE IMPACT OPTION E</u>			<u>+ 380 BEDS</u>

Maine Civil Liberties Union
Response to DOC Bond Options

The MCLU has identified the following needs for the Maine Correctional System given current conditions and projections:

1. Significant increase in minimum security bed space---the Ehrenkrantz consultants on the department's master plan estimate that the major shortfall over the next ten years in corrections bed space will be in the minimum security side.
2. The development of substantial new space and program for community corrections at the state and county levels to aid in the reintegration process.
3. A need for program space and program personnel---for education, job training, and rehabilitation.
4. An adequate unit for reception of new inmates and for classification.
5. Need a separate psychiatric unit in which prisoners who have serious adjustment problems can be isolated, controlled, and provided some sort of treatment.
6. Need for a geriatric unit for the increasing numbers of elderly and infirmed inmates.
7. A secure hospital unit that can provide cost-effective treatment and aftercare for inmates who must now be cared for under supervision of correctional officers in expensive hospital units throughout the state.
8. A special unit for housing some sex offenders who now constitute roughly 30% of the prison population and who are difficult to work with because of the abuse from other inmates in general prison population.
9. The elimination of costly, inefficient, and outmoded prison at Thomaston and its replacement by a new facility.
10. The capacity to isolate the 80 to 100 most difficult and violent offenders from the rest of the inmate population.

6889

ANALYSIS OF DOC OPTIONS FOR BOND ISSUE

BY MAINE CIVIL LIBERTIES UNION

Bed Space Analysis (as determined by Ehrenkrantz)

	<u>1990 need</u>	<u>shortfall</u>
Maximum	478	123
Medimum	460	46
Minimum	720	232
Contractual	99	0
Segregation	79	11

OPTION A

super max +100 beds maximum
renovate east wing -100 beds maximum
recreation additional program space

Needs met:

10. capacity to isolate most difficult and violent inmates
3. additional program space at Thomaston

Needs not met:

1. minimum security beds
2. space and program for community corrections
3. program space and personnel at other institutions
4. reception and classification unit
5. separate psychiatric unit
6. geriatric unit
7. secure and cost effective hospital and aftercare treatment center
8. sex offender unit
9. elimination of costly, inefficient and outmoded prison at Thomaston

Shortfall of beds:

maximum - 123 beds
medimum - 46 beds
minimum - 232 beds
segregation - 11 beds

OPTION B

super max +100 beds
 minimum security +100 beds
 east wing upgraded (may temporarily lose space)
 recreation additional program space

Needs met:

10. capacity to isolate dangerous inmates
1. will meet less than $\frac{1}{2}$ estimated need of minimum space
3. additional program space at Thomaston

Needs not met:

1. 132 minimum security beds
2. space and program for community corrections
3. program space and personnel at other institutions
4. reception and classification unit
5. separate psychiatric unit
6. geriatric unit
7. secure and cost effective aftercare treatment center and hospital
8. sex offender unit
9. elimination of costly, inefficient, and outmoded prison at Thomaston

Shortfall of beds:

maximum - 23
 medimum - 46
 minimum - 132
 segregation - 11

OPTION C

super max +100
 new minimum +200
 community space +30
 renovations program space

Needs met:

10. capacity to isolate 80 - 100 dangerous inmates
3. additional program space at Thomaston
1. barely meets need identified for minimum security beds

OPTION C (cont.)Needs not met:

2. space and program for community corrections
3. program space and personnel at other institutions
4. reception and classification unit
5. separate psychiatric unit
6. geriatric unit
7. secure and cost effective hospital and aftercare treatment center
8. sexoffender unit
9. elimination of costly, inefficient, and outmoded prison at Thomaston

Shortfall of beds:

maximum - 23
 medimum - 46
 segregation - 11

OPTION D

Pineland - not a real option at this time

OPTION E

super max +100 beds
 new minimum +150 beds
 community space +30 beds

Needs met:

10. capacity to isolate 80 - 100 violent inmates
1. will meet some of the need for minimum beds

Needs not met:

1. minimum security beds
2. space and program for community corrections
3. program space and personnel
4. reception and classification unit
5. separate psychiatric unit
6. geriatric unit
7. secure and cost effective hospital and aftercare center
8. sex offender unit
9. elimination of costly, inefficient, and outmoded prison at Thomaston

Shortfall of beds:

maximum - 23
 minimum - 52
 medimum - 46
 segregation - 11

EXHIBIT D

DEPARTMENT OF CORRECTIONS
OUTLINE OF FINAL PROPOSAL

	<u>Capital Costs</u>	<u>Annual Operating Costs*</u>
100 bed maximum security facility at Warren	\$11,000,000	\$ 2,154,000
50 bed minimum security facility at MSP Farm	1,400,000	785,336
100 bed facility at MCC to free-up industries building	2,000,000	1,298,893
50 bed facility at Charleston Correctional Center	1,000,000	775,923
\$600,000 at MSP to bond funds for recreation & construction related to treatment, recreation and programs	600,000	N/A

* Current DOC operating costs are \$33mm. When the various projects authorized by the 1984 bond issue are completed this will increase by \$4 - \$5mm.

6720-1



Maine Civil Liberties Union

August 27, 1986

To: Legislative Committee on Corrections

From: Craig McEwen, MCLU Criminal Justice and Corrections
Task Force

The MCLU has listened carefully to testimony, debate, and discussion regarding the \$16 million bond issue. We have not altered our commitment to improving the correctional system so that it can meet constitutional standards and accomplish its correctional goals. We have changed our view about the appropriate priorities for this bond money.

The following proposal is based on several considerations:

- 1) A commitment to following through on the blueprints for corrections set out by the Ohlin committee and the Department's master plan;
- 2) An acknowledgement that additional bed space is needed, especially for minimum security inmates and sex offenders;
- 3) A belief that the counties need support in developing a community correction system that will directly meet state needs and free jail space for state inmates requiring higher security;
- 4) A belief, shared with the Department's master plan, that maximum security bedspace (at Thomaston or any new prison) can be reduced to below 300 inmates;
- 5) A belief that centralized classification is essential to making any correctional system successful; and
- 6) A commitment to improving the unconscionable conditions in the East Wing at the prison, especially if political realities

97A Exchange Street, Portland, Maine 04101, (207) 774-5444

Executive Director: Sally Sutton

Board of Directors: John Ballou/Bangor, E. James Burke/Lewiston, Janis Cohen/Scarborough, Peter Cox/Topsham, Charles Devoe/Jefferson, Lynn Dondis/Portland, Mary Lou Dyer/Winthrop, Steven Einstein/Ogunquit, Horace Hildreth/Portland, Lewis Krainin/Naples, Aldo Lorente/Brunswick, Albert Mavrinac/Waterville, Eleanor Mayer/Washington, Sheila McKenna/Augusta, Harry Meserve/Southwest Harbor, Marjorie Phye/Portland, Jean Sampson/Lewiston, Louise Thurber/South Portland, David Turitz/Portland, Vendean Vafiades/Freeport, Stephen Ward/North Edgcomb

make it improbable that the Maine State Prison will be closed.

The following proposal involves a net increase of over 300 beds in the state/county correctional system.

- \$4.5 million - to county and state community corrections for acquisition of buildings/space for 225 - 275 beds
- \$2 million - 100 beds at MCC to free up industrial space for industrial use
- \$6 million - sex offender unit with 200 minimum/medium security beds (DOC feels that this cost would be close to \$12mm)
- \$3 million - renovation of East Wing to be used as a classification and administrative segregation unit*
- \$.5 million - asbestos removal and rehabilitation of program space at Thomaston

*If there exists a firm commitment to close MSP and build a new facility, this money could be reallocated for other purposes.

Department of Corrections
Detail of Final Proposal

8/28/86

EXHIBIT F-1

\$16 MILLION BOND ISSUE TO BUILD/REPAIR
OR RENOVATE STATE CORRECTIONAL FACILITIES

<u>FACILITY/BUILDING</u>	<u>LOCATION</u>	<u># OF BEDS</u>	<u>DESCRIPTION</u>	<u>BUDGET</u>	<u>NEED</u>
Minimum Security Housing	Charleston Correctional Facility	50	This building would be constructed on the grounds of the Charleston Correctional Facility, providing sleeping, leisure time, shower and storage areas, and staff areas for the supervision of up to 50 minimum security.	\$1,000,000	To help manage present and projected overcrowding. Water, heating, and all other institutional support services can be provided by the Charleston Correctional Facility for the addition of this building. Provide housing for 50 minimum security prisoners. Current projections show a need to develop additional minimum security beds by the year 1990

\$16 MILLION BOND ISSUE TO BUILD/REPAIR
OR RENOVATE STATE CORRECTIONAL FACILITIES

8/28/86

F-2

<u>FACILITY/BUILDING</u>	<u>LOCATION</u>	<u># OF BEDS</u>	<u>DESCRIPTION</u>	<u>BUDGET</u>	<u>NEED</u>
Minimum Security Housing	Maine Correctional Center	100	This building would house 100 prisoners in individual cells and/or dormitories and provide the necessary space for leisure time activities of the prisoners.	\$2,000,000	Help to eliminate present and projected overcrowding. Allow the industries Building Dormitory to be converted to its original intended use as a program (Industries) building.

\$16 MILLION BOND ISSUE TO BUILD/REPAIR
OR RENOVATE STATE CORRECTIONAL FACILITIES

<u>FACILITY/BUILDING</u>	<u>LOCATION</u>	<u># OF BEDS</u>	<u>DESCRIPTION</u>	<u>BUDGET</u>	<u>NEED</u>
Renovation/Construction Maine State Prison	MSP	-0-	These funds would allow for renovation to existing plant and/or new construction thus providing additional needed program space for projects such as the following: food preparation, recreation, social services, educational, vocational programs, psychological services, administration, industrial programs.	\$600,000	With the completion of the renovations as funded by the Bond Issue of 1984 to the administration building, recreational area and kitchen, the Prison is still in great need for additional program and staff areas to be able to treat and securely house over 400 prisoners. This money would allow additional renovations, social services, psychological, legal, and advocacy services. The recreational/yard area would receive additional renovation needed for adequate physical and leisure time activities for 400 prisoners. Inmate visiting areas and the prison main control room are in need of significant renovation from both programmatic and security points of view. Previous monies allocated for several of these projects have been diminished due to an unforeseen emergency removal of asbestos. These proposed funds would allow the prison to complete renovation work previously planned.

\$16 MILLION BOND ISSUE TO BUILD/REPAIR
OR RENOVATE STATE CORRECTIONAL FACILITIES

<u>FACILITY/BUILDING</u>	<u>LOCATION</u>	<u>#OF BEDS</u>	<u>DESCRIPTION</u>	<u>BUDGET</u>	<u>NEED</u>
Maximum Security Facility	So. Warren MSP land near pre- release center	100	The maximum security facility will offer, through the latest in security design, a physical plant which will help to assure the safety and security of staff, public and prisoners (maximum security prisoners). The facility will provide all the necessary administrative, recreation, work and staff areas necessary for the incarceration of 100 maximum security prisoners.	\$11,000,000	<p>The 100-bed maximum security facility will remove from the present Maine State Prison up to 100 prisoners who cannot be properly supervised or programmed at the Prison due to the fact that the physical plant cannot adequately separate these individuals.</p> <p>Will provide an additional 100 beds to help alleviate bed deficits projected through 1990.</p> <p>When the new maximum security facility opens, it is intended that the present Maine State Prison in Thomaston will continue to house medium security prisoners and some maximum security prisoners that are more appropriately able to function within the confines of the existing facility.</p>

\$16 MILLION BOND ISSUE TO BUILD/REPAIR
OR RENOVATE STATE CORRECTIONAL FACILITIES

<u>FACILITY/BUILDING</u>	<u>LOCATION</u>	<u># OF BEDS</u>	<u>DESCRIPTION</u>	<u>BUDGET</u>	<u>NEED</u>
Minimum Security Housing	So. Warren near Bolduc Unit	50	This building will be constructed adjacent to the present Bolduc Minimum Security Unit and will provide housing, day room, recreation/program, and visiting space for 50 minimum security prisoners. The new 50-bed minimum security unit and the present Bolduc Unit will be under the supervision of one director, who will answer directly to the Warden of the Maine State Prison.	\$1,400,000	<p>Help to eliminate present overcrowding and to meet the projected bed deficits projected through the year 1990.</p> <p>Provide minimum security housing and program areas for 50 prisoners.</p> <p>Will provide outside support services for the maintenance of all buildings and grounds as it pertains to the Maine State Prison, Bolduc Unit, farm operations, and the proposed new maximum security facility in Warren.</p> <p>The new building will offer adequate visiting areas for the new facility as well as help with visiting space deficiencies at the present Bolduc Unit.</p> <p>Will allow for closing of temporary housing of prisoners in a vocational building next to the Bolduc Unit, so that space may be re-utilized for recreation or vocational programs use.</p>

DEPARTMENT OF CORRECTIONS

EXHIBIT G-1

	Bed Need as of 1990 by Category				Total General Beds	+Segregation	Total
	Maximum*1	Medium	Minimum	Community			
Population Projected by Category - 1990 with 5% Utilization Factor Included	478	460	513	207	1658	79	1737
Bed Capacity Projected to 1990 as of Completion of Construction of Bond Issue of 1984	-355*2	-414	-165	-123	-1057	-68	-1125
Projected 72 Medium and Minimum Inmates Will Not be Sent to the State System with Passage of Community Corrections Act. The Depart- ment cannot predict if space will be available to board State prisoners in the county system.		-36	-36		-72		-72
Projected number of Prisoners Not Sentenced to Confinement Due to Intensive Supervision			-125		-125		-125
Federal Transfers	-25				-25		-25
Bed Need as of 1990 With Completion of Bond Issue of 1984	98	10	187	84	379	11	390
\$16 Million Bond, If Approved - 1986:							
Maximum Security Prison - Warren	-100				-100		-100
Minimum Security Housing - Warren			-50		-50		-50
Minimum Security Housing - MCC			-100		-100		-100
Minimum Security Housing - CCF			-50		-50		-50
BED NEED WITH PASSAGE OF 10/86 BOND BY THE YEAR 1990	+2	(10)	+13	(84)	(79)	(11)	(90)

33

*1 The Maximum category includes 279 maximum inmates, 116 in Receiving status and 83 on mental health status, who should be housed in a maximum security facility in their own specialized areas.

*2 The Maine State Prison does not meet the Commission on Accreditation for Corrections standards for maximum security facilities.

Recommendations

I. Bond Issue

1. 100 Bed Maximum Security Facility at Warren--\$11,000,000

The Committee recommends construction of a maximum facility of approximately 100 beds at Warren, sufficiently close to the prison farm at South Warren as to be able to utilize that facility's waste treatment plant.

Inmates for this facility will be prisoners who would currently be assigned to the State Prison at Thomaston. The new facility will alleviate the crowding at Thomaston and will remove those prisoners that Thomaston is least well able to handle, the so-called "predators" or "trouble-makers". These individuals require a true maximum security facility, which Thomaston is not. In addition, having them mixed with the general population as they are at Thomaston is very disruptive to the other prisoners, particularly the growing population of sex offenders and older, long term prisoners.

Central to a decision to build a new maximum facility is the need for a policy decision on the future of the State Prison at Thomaston. The Master Plan of the Department of Corrections calls for the immediate construction of a 500 bed maximum facility. However, the size of the bond issue required that the Committee scale this new maximum facility back to 100 beds and, in all probability, created the necessity of continuing to operate the Thomaston prison.

Because of the factors discussed in the previous paragraph, in recommending the 100 bed facility, the Committee further recommends that by 1989 the Legislature appropriate by some means (eg. bond, general fund) the funds required to eliminate the current unacceptable situation in the East Wing at Thomaston, either by reducing the number of inmates housed there to no more than 110 or by renovating that building for exclusive use as a program, treatment or recreation facility. The Committee further recommends that by 1989 funds be appropriated for construction of a maximum facility of a minimum of 116 beds for prisoners in a classification or reception status. It is recommended that the location of this facility be determined by the 113th Legislature during its first session, through a Select Committee on Corrections, which the present Committee recommends be established.

The projected costs for these recommended changes at Thomaston are as follows. (The Committee is not recommending that these funds come from the current bond issue.)

Renovating Thomaston to Fewer Beds

Housing for Temporarily Displaced Prisoners	Not determined
Housing & Program space for Permanently Displaced Prisoners	\$9,750,000
Renovation Work	5,164,000

Renovating Thomaston to Non-Bed Use

Housing & program space for All Displaced Prisoners	20,595,000
Renovation Work	2,200,000

2. 100 Bed Medium Security Building at the Maine Correctional Center \$2,000,000

The Correctional Center is the Department's second most secure facility, housing as it does increasing numbers of medium security inmates.

This new building would allow the prison industries building, which is currently being used for housing inmates, to be returned to its original function. (This return is based on the Department's current population projections.)

3. 50 Bed Minimum Security Building at the Charleston Correctional Facility - \$1,000,000

Charleston is the Department's facility for its minimum security inmates who need the least security. It is basically used as a transition facility, housing those with 18 months or less left to serve. This building would alleviate current crowding and be in line with projections which show minimum and medium beds as the Department's greatest future need.

In recommending construction of this low minimum facility the Committee would particularly like to encourage the Department in its quest for additional funding for community corrections.

4. 50 Bed Minimum Security Building adjacent to the Bolduc Unit at S. Warren - \$1,400,000

Bolduc is the prison farm facility. Increasing its bed capacity would allow the return to its original use of a vocational building now used for housing and would be in line with Department projections showing minimum and medium bed space as the greatest future need.

5. Non-housing Renovation and Construction at the State Prison - \$600,000

The 1984 bond issue allotted \$2.3mm to the State Prison at Thomaston for construction and renovation. This additional \$600,000 would replace approximately \$100,000 which had to be channeled to asbestos removal, provide for important improvements to prison security facilities, renovate recreation facilities and expand the work on program facilities that was initiated by the previous bond issue.

For planning purposes, the Committee is assuming that the construction recommended in this section will be completed approximately 3 years after the required approval of its plan by the 1st session of the 113th Legislature.

II. Other Recommendations

Joint Select Committee on Corrections

The Committee recommends the establishment of a Joint Select Committee on Corrections. The overall mission of this Committee would be to develop a long range legislative corrections plan and to relate this plan to the Department's Master Plan. This Committee would be composed of members of Human Resources, Appropriations and other appropriate committees. The following specific issues are recommended for the attention of this proposed select committee.

1. A review of other State lands and facilities as to their possible use as corrections facilities. This should include Pineland and the former Women's Reformatory at Skowhegan (now privately owned).
2. A review of the entire community based corrections issue, including its adequacy and the relation of the Department of Corrections to it.
3. The treatment and housing of sex offenders, including the desirability of housing them in a separate facility and post-release treatment, including funding.

APPENDIX

1 SECOND SPECIAL SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 2439

6
7 H.P. 1758

House of Representatives, May 30, 1986

8 Reference to the Committee on Appropriations and Financial Affairs
9 suggested and ordered printed.

EDWIN H. PERT, Clerk

10 Presented by Representative Nelson of Portland.

Cosponsored by Senator Gauvreau of Androscoggin, Senator Gill of
Cumberland and Representative Manning of Portland.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-SIX
16

17 AN ACT to Authorize a General Bond Issue in
18 the Amount of \$15,000,000 for
19 Construction and Renovation of
20 Correctional Facilities.
21

22 Preamble. Two-thirds of both Houses of the Leg-
23 islature deeming it necessary in accordance with the
24 Constitution of Maine, Article IX, Section 14, to au-
25 thorize the issuance of bonds on behalf of the State
26 of Maine to provide funds for construction and
27 renovation of correctional facilities.

28 Be it enacted by the People of the State of Maine as
29 follows:

30 Sec. 1. Authorization of bonds to provide funds
31 for construction and renovation of correctional fa-
32 cilities. The Treasurer of State is authorized, under
33 the direction of the Governor, to issue from time to
34 time registered bonds in the name and behalf of the
35 State to an amount not exceeding \$15,000,000 for the

1 purpose of raising funds to provide for construction
2 and renovation of correctional facilities as autho-
3 rized by section 6. The bonds shall be deemed a
4 pledge of the full faith and credit of the State.
5 The bonds shall not run for a longer period than 10
6 years from the date of the original issue of the
7 bonds. Any issuance of bonds may contain a call fea-
8 ture at the discretion of the Treasurer of State with
9 the approval of the Governor.

10 Sec. 2. Records of bonds issued to be kept by
11 the State Auditor and Treasurer of State. The State
12 Auditor shall keep an account of the bonds, showing
13 the number and amount of each, the date when payable
14 and the date of delivery of the bonds to the Treasur-
15 er of State who shall keep an account of each bond
16 showing the number of the bond, the name of the suc-
17 cessful bidder to whom sold, the amount received for
18 the same, the date of sale and the date when payable.

19 Sec. 3. Sale; how negotiated; proceeds appropri-
20 ated. The Treasurer of State may negotiate the sale
21 of the bonds by direction of the Governor, but no
22 such bond may be loaned, pledged or hypothecated in
23 behalf of the State. The proceeds of the sale of the
24 bonds, which shall be held by the Treasurer of State
25 and paid by him upon warrants drawn by the Governor,
26 are appropriated to be used solely for the purposes
27 set forth in this Act. Any unencumbered balances re-
28 maining at the completion of the project in section
29 6 shall lapse to the debt service account established
30 for the retirement of these bonds.

31 Sec. 4. Interest and debt retirement. Interest
32 due or accruing upon any bonds issued under this Act
33 and all sums coming due for payment of bonds at matu-
34 rity shall be paid by the Treasurer of State.

35 Sec. 5. Disbursement of proceeds of the bonds.
36 The proceeds of the bonds shall be expended under the
37 direction and supervision of the Commissioner of Ad-
38 ministration after consultation with the Commissioner
39 of Corrections.

40 Sec. 6. Legislative allocation. The Legislature
41 shall allocate the proceeds of the sale of bonds to
42 specific correctional facilities and locations within

1 the State, provided that the overall limitation is
2 not exceeded.

3 Sec. 7. Contingent upon ratification of bond is-
4 sue. Sections 1 to 6 shall not become effective un-
5 less and until the people of the State have ratified
6 the issuance of bonds as set forth in this Act.

7 Sec. 8. Bonds authorized but not issued. Any
8 bonds authorized but not issued, or for which bond
9 anticipation notes have not been issued within 5
10 years of the ratification of this Act, shall be
11 deauthorized and may not be issued, provided that the
12 Legislature may, within 2 years after the expiration
13 of that 5-year period, extend the period for issuing
14 any remaining unissued bonds or bond anticipation
15 notes for an additional amount of time not to exceed
16 5 years.

17 Sec. 9. Appropriation balances at year end. At
18 the end of each fiscal year, all unencumbered appro-
19 priation balances representing state money shall car-
20 ry forward from year to year. Bond proceeds which
21 have not been expended within 10 years after the date
22 of the sale of the bonds shall lapse to General Fund
23 debt service.

24 Sec. 10. Statutory referendum procedure; submis-
25 sion at general election; form of question; effective
26 date. This Act shall be submitted to the legal vot-
27 ers of the State of Maine at the next general elec-
28 tion in the month of November following passage of
29 this Act. The city aldermen, town selectmen and
30 plantation assessors of this State shall notify the
31 inhabitants of their respective cities, towns and
32 plantations to meet, in the manner prescribed by law
33 for holding a statewide election, to vote on the ac-
34 ceptance or rejection of this Act by voting on the
35 following question:

36 "Do you favor a \$15,000,000 bond issue to build
37 and repair correctional facilities for prisoners?"

38 The legal voters of each city, town and plantation
39 shall vote by ballot on this question, and shall des-
40 ignate their choice by a cross or check mark placed
41 within a corresponding square below the word "Yes" or

1 "No." The ballots shall be received, sorted, counted
2 and declared in open ward, town and plantation meet-
3 ings and returns made to the Secretary of State in
4 the same manner as votes for members of the Legisla-
5 ture. The Governor shall review the returns and, if
6 it appears that a majority of the legal voters are in
7 favor of the Act, the Governor shall proclaim that
8 fact without delay, and the Act shall become effec-
9 tive 30 days after the date of the proclamation.

10 The Secretary of State shall prepare and furnish to
11 each city, town and plantation all ballots, returns
12 and copies of this Act necessary to carry out the
13 purpose of this referendum.

14 STATEMENT OF FACT

15 This bill provides for a bond issue in the amount
16 of \$15,000,000 for construction and renovation of
17 correctional facilities on a statewide basis. The
18 Legislature may allocate these funds to specific
19 projects after the voters have approved the total
20 bond issue.

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L.D. 2439

(Filing No. H-776)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
112TH LEGISLATURE
SECOND SPECIAL SESSION

HOUSE AMENDMENT "F" to H.P. 1758, L.D. 2439,
Bill, "AN ACT to Authorize a General Bond Issue in
the Amount of \$15,000,000 for Construction and
Renovation of Correctional Facilities."

Amend the bill in the title in the 2nd line by
striking out the figure "\$15,000,000" and inserting
in its place the figure '\$16,000,000'

Further amend the bill in section 1 in the 6th
line (page 1, line 35 in L.D.) by striking out the
figure "\$15,000,000" and inserting in its place the
figure '\$16,000,000'

Further amend the bill by striking out all of
section 6 and inserting in its place the following:

'Sec. 6. Allocations from General Fund bond is-
sue - state correctional facilities. The proceeds of
the sale of bonds shall be expended as deemed neces-
sary for building, repair or renovation of the fol-
lowing: Maine State Prison, Maine Correctional Cen-
ter and other state correctional facilities. No money
may be expended until the proceeds of the sale of
bonds are allocated by the 113th Legislature.'

Further amend the bill in section 10 by striking
out all of the question and inserting in its place
the following:

"Do you favor a \$16,000,000 bond issue to
build, repair or renovate state correctional facili-
ties?"

STATE OF MAINE

In Senate May 30, 1986

Whereas, the Legislature has attempted to resolve the problematic issue of necessary improvements to the Maine corrections system; and

Whereas, the Legislature in L.D. 2439, H.P. 1758 has proposed a General Fund bond issue in the amount of \$16,000,000 to renovate and construct correctional facilities and this shall be submitted to the voters on November 4, 1986; and

Whereas, the Legislature finds it important that the electorate of the State should be informed how the available proceeds from the possible issuance of bonds will be spent; now, therefore, be it

Ordered, the House concurring, that the Joint Select Committee on Improvements to the Corrections System is established. The committee shall consist of 15 members appointed jointly by the President of the Senate and Speaker of the House as follows: Four Senators and 11 members of the House of Representatives, representing the Joint Standing Committee on Human Resources and the Joint Standing Committee on Appropriations and Financial Affairs. The joint select committee shall select one of its members to serve as chairman; and be it further

Ordered, that the joint select committee shall survey the status of the State's correctional facilities and recommend the allocation of funds from the proceeds of the General Fund bond issue authorized pursuant to L.D. 2439; and be it further

Ordered, that the joint select committee report its findings and recommendations, especially with regard to how the money resulting from the proceeds of the bond issue should be spent, to the Legislative Council by September 15, 1986; and be it further

Ordered, that no finding or recommendation may be made by the joint select committee unless that finding or recommendation is approved by at least 2/3 of the members of the joint select committee; and be it further

Ordered, that the Legislative Council shall take such action as it may deem necessary to inform the voters prior to the general election as to the proposed allocations of funds from the General Fund bond issue.

(Sen. GAUVREAU)
SPONSORED BY: _____

COUNTY: Androscoggin

S.P. 986

Joint order

IN SENATE CHAMBER

MAY 30 1986

READ AND PASSED

JOY J. O'BRIEN, Secretary

SENT DOWN FOR CONCURRENCE

Ordered Sent Forthwith

HOUSE OF REPRESENTATIVES

READ AND PASSED

MAY 31 1986

IN CONCURRENCE

[Signature]
ORDERED SENT FORTHWITH

CLERK

0813053086