

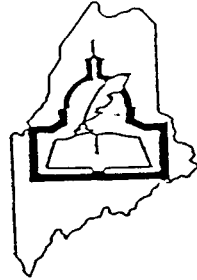
MAINE STATE LEGISLATURE

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STATE OF MAINE
114TH LEGISLATURE
FIRST REGULAR SESSION



BILL SUMMARY
JOINT SELECT COMMITTEE
ON
CORRECTIONS

JULY 1989

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Sen. Thomas R. Perkins

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* Denotes Chair

Staff: Annika Lane, Legislative Analyst
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ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE
BILL SUMMARIES
AUGUST 1989

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The summaries are arranged by LD number for each committee.

All Adopted Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action is listed to the right of the title. If final House and Senate action differ, both are listed. Committee Reports and Floor Action are abbreviated as follows:

OTP	Ought to Pass
OTP-ND	Ought to Pass in New Draft
OTP-ND-NT	Ought to Pass in New Draft, New Title
OTP-A	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

Each individual summary was prepared by the analyst assigned, as noted for each committee. But, this document was produced by the efforts of all the office staff, including Research Assistant Barbara McGinn, and secretaries: Charlene Brann, and Valarie Parlin, and especially Laurette Knox who coordinated preparation of the overall document.

Please give us your suggestions and comments on these summaries and tell us of any inaccuracies.

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
GAUVREAU DORE GREENLAW	OTP-AM	S-255

SUMMARY

The present policy is to allow prisoners in state correctional facilities with sentences less than 9 months to be transferred to county facilities. The purpose is to reduce the crowding at state prisons. The original bill proposed increasing the number who could be transferred by allowing offenders with sentences up to 12 months to be transferred to county facilities. The effective date for this change would have been July 1, 1990. The bill would also have amended the community corrections laws to restrict the use of funds within the County Correctional Improvement Account to maintaining and developing correctional programs, rather than for any capital improvements. This issue was part of the sponsors intent behind LD 901 and LD 1471.

The committee amendment repealed and replaced the original bill.

Current law limits the ability to house sentenced county jail prisoners who are security problems in state correctional facilities and does not make explicit provision for the county to pay the per diem costs if transferred. This amendment allows transfers of sentenced county jail prisoners, or those awaiting sentencing, and explicitly establishes a basis for reimbursement.

The amendment also changes the definition of community corrections to include housing programs. This change was originally one of the elements in the original bill.

Further, the amendment separates out the reimbursement for operating costs and capital building expenditures. The operating costs are covered under a per diem rate. The capital costs for the increase in the number of prisoners sent to county jails under the changes from 6 months to 9 months in 34-A M RSA, 1202, subsection 1 are paid for by the state. This change was originally part of LD 786.

Finally, the amendment makes it clear that a portion of the money received by counties as reimbursement for the state prisoners housed in county jails should be used for the development of community corrections programs. This change was proposed in LD 875.

LD 786	An Act to Provide Full Reimbursement to Counties for Capital Expenditures for Buildings Attributable to the Community Corrections Program	LV/WD
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<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
ERWIN P GAUVREAU MANNING PEARSON	LV/WD	

SUMMARY

The Legislature enacted the community corrections laws in 1986 providing reimbursement to counties for the cost of detaining prisoners convicted of Class A, B or C crimes. The law provides for full reimbursement of the actual cost of detaining these prisoners, but provides only partial reimbursement for construction of buildings directly attributable to these prisoners. For counties which have, or

which plan to construct, new jails or jail expansions, this results in an increased burden on the property tax because some portion of those jails will be used to detain Class A, B or C prisoners.

This bill would have provided full reimbursement by taking these capital expenditures out of the calculation of the daily prisoner reimbursement rate and placing them in a separate subsection of the law.

The basic proposal of this bill was included in the committee amendment to LD 723.

**LD 827 An Act to Authorize the Department of Corrections to
Establish a Solid Waste Recycling Program**

PUBLIC 587

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
CARTER MICHAUD CHONKO KANY	OTP	S-86 BUSTIN

SUMMARY

This bill directs the Department of Corrections to examine the feasibility of establishing recycling facilities, employing inmates, which could recycle waste generated by correctional facilities and by municipalities or private businesses in the vicinity of correctional facilities.

Senate Amendment "A" requests the commissioner to conduct the study together with the Department of Economic and Community Development, Office of Waste Recycling and Reduction. It also adds the Joint Select Committee on Corrections to the list of committees to report to by January 1, 1990.

**LD 875 An Act Concerning the Permitted Uses of Funds Received by
Counties as Reimbursement for Housing Certain Prisoners**

LV/WD

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
ALLEN ROTONDI BUSTIN MELENDY	LV/WD	

SUMMARY

Present law restricts the use of funds paid to counties for state prisoners placed in county facilities under the provisions that state prisoners serving less than 9 months can be placed in county jails. The restriction requires that the funds be used for maintaining and developing community based corrections programs. The proposal in this bill would have allowed the counties to use the funds for the more general purpose of supporting prisoners in the county. This concept was included in the committee's amendment to LD 723 with the added amendment that 10% of the funds be used for community corrections in 1991 and that this percent should increase by 10% each year until it reaches 50% in 1995.