

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
118TH LEGISLATURE

SECOND REGULAR SESSION  
AND  
SECOND SPECIAL SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
CRIMINAL JUSTICE

MAY 1998

**MEMBERS:**

*Sen. Robert E. Murray, Jr., Chair*

*Sen. William B. O'Gara*

*Sen. Betty Lou Mitchell*

*Rep. Edward J. Povich, Chair*

*Rep. George H. Bunker, Jr.*

*Rep. Roger D. Frechette*

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*Rep. Christopher T. Muse*

*Rep. Michael J. McAlevey*

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*Rep. James H. Tobin, Jr.*

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Room 101/107/135, 13 State House Station  
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**ONE HUNDRED EIGHTEENTH LEGISLATURE  
SECOND REGULAR AND SECOND SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees  
May 1998**

We are pleased to provide this summary of bills that were considered by the Joint Standing Committees of the Maine Legislature. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet ([www.state.me.us/legis/opla](http://www.state.me.us/legis/opla)).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

*CON RES XXX*..... Chapter # of Constitutional Resolution passed by both Houses  
*CONF CMTE UNABLE TO AGREE*.....Committee of Conference unable to agree; bill died  
*DIED BETWEEN BODIES*.....House & Senate disagree; bill died  
*DIED IN CONCURRENCE*.....One body accepts ONTP report; the other indefinitely postpones the bill  
*DIED ON ADJOURNMENT*.....Action incomplete when session ended; bill died  
*EMERGENCY*.....Enacted law takes effect sooner than 90 days  
*FAILED EMERGENCY ENACTMENT/FINAL PASSAGE*.....Emergency bill failed to get 2/3 vote  
*FAILED ENACTMENT/FINAL PASSAGE*.....Bill failed to get majority vote  
*FAILED MANDATE ENACTMENT*.....Bill imposing local mandate failed to get 2/3 vote  
*INDEF PP*.....Bill Indefinitely Postponed  
*ONTP*..... Ought Not To Pass report accepted  
*OTP ND*..... Committee report Ought To Pass In New Draft  
*OTP ND/NT*..... Committee report Ought To Pass In New Draft/New Title  
*P&S XXX*..... Chapter # of enacted Private & Special Law  
*PUBLIC XXX*..... Chapter # of enacted Public Law  
*RESOLVE XXX*..... Chapter # of finally passed Resolve  
*UNSIGNED*.....Bill held by Governor  
*VETO SUSTAINED*.....Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is June 30, 1998 and July 9, 1998 for the Second Special Session. Second Special Session laws include Public Laws beginning with Chapter 718, Private and Special Laws beginning with Chapter 82 and Resolves beginning with Chapter 117.

## Joint Standing Committee on Criminal Justice

**LD 65**

### An Act to Amend the Laws Regarding Reimbursement to the Counties for Community Corrections

**PUBLIC 753  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY LAFOUNTAIN	OTP-AM	H-1022 POVICH H-919 S-713 MICHAUD

LD 65 proposed to prohibit the Department of Corrections from subtracting jail revenues raised by counties from a jail's expenditures. Currently, pursuant to the Department of Corrections Uniform Accounting Report Forms, jail revenues are subtracted from the jail's total expenditures for the purpose of reducing the Department of Corrections reimbursement rate to the counties for housing state prisoners.

**Committee Amendment "A" (H-919)** replaced the bill and proposed to do the following:

1. Add a mandate preamble, an emergency preamble and an emergency clause;
2. Establish the County Jail Prisoner Support and Community Corrections Fund for the purpose of providing state funding for a portion of the counties' costs of the support of prisoners and for establishing and maintaining community corrections;
3. Add an appropriation section that transfers 85% percent of the funds appropriated to the Department of Corrections in fiscal year 1998-99 for Community Based Corrections into the County Jail Prisoner Support and Community Corrections Fund. Beginning July 1, 1999 and annually thereafter, the amount transferred would have been equal to the appropriation of the previous year adjusted by a factor equal to the percent change in the United States Bureau of Labor Statistics Consumer Price Index. It further proposed to direct that 15% of the funds appropriated to the Department of Corrections in fiscal year 1998-99 for Community Based Corrections be transferred to the Department of Corrections General Fund, Correctional Services Account for the purpose of maintaining or developing juvenile community corrections. Beginning July 1, 1999 and annually thereafter, the Department of Corrections would have budgeted an amount equal to the appropriation of the previous year adjusted by a factor equal to the percent change in the United States Bureau of Labor Statistics Consumer Price Index;
4. Direct the Department of Corrections, beginning July 1, 1998 and annually thereafter, to distribute the County Jail Prisoner Support and Community Corrections Fund to counties based on the percent distribution of actual funds reimbursed to counties pursuant to former Maine Revised Statutes, Title 34-A, section 1210 in fiscal year 1996-97;
5. Permit counties that experience a 10% increase in their total annual jail operating budget or who issue bonds for new jail construction or jail renovation to request additional funds for the support of prisoners;
6. Require each county treasurer to place 20% of its distribution from the County Jail Prisoner Support and Community Corrections Fund into a separate community corrections program account. Counties would have been able to use these funds only for adult or juvenile community corrections;

7. Require the joint standing committee of the Legislature having jurisdiction over corrections and criminal justice matters to review the County Jail Prisoner Support and Community Corrections Fund and its purpose and functions no later than July 1, 2001;

8. Require the counties to submit an annual report to the joint standing committee of the Legislature having jurisdiction over corrections and criminal justice matters. Reports would have included descriptions of each county's community corrections programs and an accounting of expenditures for community corrections;

9. Direct the Department of Corrections to make a one-time distribution to each county of that county's unexpended and uncommitted adult community corrections funds remaining in the General Fund, Community-Based Corrections Account pursuant to former Maine Revised Statutes, Title 34-A, section 1210, subsection 6 at the end of fiscal year 1997-98. Funds released under this one-time distribution would have been placed in a community corrections program account and would have been used only for adult or juvenile community corrections;

10. Require that on July 1, 1998, any unexpended or uncommitted juvenile community corrections funds remaining in the General Fund, Community-Based Corrections Account pursuant to former Maine Revised Statutes, Title 34-A, section 1210, subsection 6 at the end of fiscal year 1997-98 must be transferred to the department's General Fund, Correctional Services Account. The department would have used these funds for the purpose of maintaining or developing juvenile community corrections;

11. Permit the Department of Corrections to contract with counties in order to maintain current or develop new juvenile community corrections;

12. Add an effective date of July 1, 1998; and

13. Add a fiscal note.

**House Amendment "A" to Committee Amendment "A" (H-1022)** proposed to change the date by which counties are required to submit reports regarding each county's community corrections programs.

**Senate Amendment "A" to Committee Amendment "A" (S-713)** proposed to replace the appropriation section to reflect the actual amount available for transfer out of the Community Based Corrections program.

#### *Enacted law summary*

Public Law 1997, chapter 753 establishes the County Jail Prisoner Support and Community Corrections Fund for the purpose of providing state funding for a portion of the counties' costs of the support of prisoners and for establishing and maintaining community corrections.

Public Law 1997, chapter 753 adds an appropriation section that transfers 85% percent of the funds appropriated to the Department of Corrections in fiscal year 1998-99 for Community Based Corrections into the County Jail Prisoner Support and Community Corrections Fund. Beginning July 1, 1999 and annually thereafter, the amount transferred must equal the appropriation of the previous year adjusted by a factor equal to the percent change in the United States Bureau of Labor Statistics Consumer Price Index. It further directs that 15% of the funds appropriated to the Department of Corrections in fiscal year 1998-99 for Community Based Corrections be transferred to the Department of Corrections General Fund, Correctional Services Account for the purpose of maintaining or developing juvenile community corrections. Beginning July 1, 1999 and annually thereafter, the

Department of Corrections shall budget an amount equal to the appropriation of the previous year adjusted by a factor equal to the percent change in the United States Bureau of Labor Statistics Consumer Price Index.

Public Law 1997, chapter 753 directs the Department of Corrections, beginning July 1, 1998 and annually thereafter, to distribute the County Jail Prisoner Support and Community Corrections Fund to counties based on the percent distribution of actual funds reimbursed to counties pursuant to former Maine Revised Statutes, Title 34-A, section 1210 in fiscal year 1996-97.

Public Law 1997, chapter 753 permits counties that experience a 10% increase in their total annual jail operating budget or who issue bonds for new jail construction or jail renovation to request additional funds for the support of prisoners.

Public Law 1997, chapter 753 requires each county treasurer to place 20% of its distribution from the County Jail Prisoner Support and Community Corrections Fund into a separate community corrections program account. Counties may use these funds only for adult or juvenile community corrections.

Public Law 1997, chapter 753 requires the joint standing committee of the Legislature having jurisdiction over corrections and criminal justice matters to review the County Jail Prisoner Support and Community Corrections Fund and its purpose and functions no later than July 1, 2001.

Public Law 1997, chapter 753 requires the counties to submit an annual report to the joint standing committee of the Legislature having jurisdiction over corrections and criminal justice matters. Reports must include descriptions of each county's community corrections programs and an accounting of expenditures for community corrections.

Public Law 1997, chapter 753 directs the Department of Corrections to make a one-time distribution to each county of that county's unexpended and uncommitted adult community corrections funds remaining in the General Fund, Community-Based Corrections Account pursuant to former Maine Revised Statutes, Title 34-A, section 1210, subsection 6 at the end of the fiscal year 1997-98. Funds released under this one-time distribution must be placed in a community corrections program account and may be used only for adult or juvenile community corrections.

Public Law 1997, chapter 753 requires that on July 1, 1998, any unexpended or uncommitted juvenile community corrections funds remaining in the General Fund, Community-Based Corrections Account pursuant to former Maine Revised Statutes, Title 34-A, section 1210, subsection 6 at the end of the fiscal year 1997-98 must be transferred to the department's General Fund, Correctional Services Account. The department shall use these funds for the purpose of maintaining or developing juvenile community corrections.

Public Law 1997, chapter 753 permits the Department of Corrections to contract with counties in order to maintain current or develop new juvenile community corrections.

**LD 515**

**An Act to Set a Fixed Rate for Housing of State Prisoners**

**ONTP**

Sponsor(s)  
BUNKER

Committee Report  
ONTP

Amendments Adopted

LD 515 proposed to fix the rate of reimbursement to counties for prisoners at \$83.75 per prisoner per day. The bill also proposed that a county petition the Legislature for any desired change in that rate.