



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 463

H.P. 329

House of Representatives, February 7, 2017

An Act To Improve the Funding of County Jails

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MARTIN of Sinclair.
Cosponsored by Senator JACKSON of Aroostook and
Representative: MARTIN of Eagle Lake, Senator: CARPENTER of Aroostook.

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

2 **Sec. 1. 30-A MRSA §701, sub-§2-C**, as enacted by PL 2015, c. 335, §11, is
3 amended to read:

4 **2-C. Tax assessment for correctional services beginning July 1, 2015.** Beginning
5 July 1, 2015, the counties shall annually collect no less than \$62,172,371 from
6 municipalities for the provision of correctional services in accordance with this
7 subsection. The counties may collect an amount that is more than the base assessment
8 limit established in this subsection, ~~except that the additional amount each year may not~~
9 ~~exceed the base assessment limit as adjusted by the growth limitation factor established in~~
10 ~~section 706-A, subsection 3 or 3%, whichever is less~~ subject to the county assessment
11 limit set forth in section 706-A and as long as the annually adjusted amount of the base
12 assessment limit or the base assessment limit, whichever is higher, is carried forward for
13 use in calculations in future years. For the purposes of this subsection, "correctional
14 services" includes management services, personal services, contractual services,
15 commodity purchases, capital expenditures and all other costs, or portions thereof,
16 necessary to maintain and operate correctional services. "Correctional services" does not
17 include county jail debt unless there is a surplus in the account that pays for correctional
18 services at the end of the state fiscal year.

19 The assessment to municipalities within each county may not be greater or less than the
20 base assessment limit, which is:

- 21 A. A sum of \$4,287,340 in Androscoggin County;
- 22 B. A sum of \$2,316,666 in Aroostook County;
- 23 C. A sum of \$11,575,602 in Cumberland County;
- 24 D. A sum of \$1,621,201 in Franklin County;
- 25 E. A sum of \$1,670,136 in Hancock County;
- 26 F. A sum of \$5,588,343 in Kennebec County;
- 27 G. A sum of \$3,188,700 in Knox County;
- 28 H. A sum of \$2,657,105 in Lincoln County;
- 29 I. A sum of \$1,228,757 in Oxford County;
- 30 J. A sum of \$5,919,118 in Penobscot County;
- 31 K. A sum of \$878,940 in Piscataquis County;
- 32 L. A sum of \$2,657,105 in Sagadahoc County;
- 33 M. A sum of \$5,363,665 in Somerset County;
- 34 N. A sum of \$2,832,353 in Waldo County;
- 35 O. A sum of \$2,000,525 in Washington County; and
- 36 P. A sum of \$8,386,815 in York County.

1 **Sec. 2. 30-A MRSA §1557-B, sub-§3**, as enacted by PL 2015, c. 335, §16, is
2 amended to read:

3 **3. Reimbursement.** Reimbursement for the support of a prisoner who is transferred
4 by a sending jail to a receiving jail or the Department of Corrections is subject to the
5 provisions of this subsection.

6 ~~A. During a state fiscal year in which at least \$12,202,104 has been appropriated to~~
7 ~~the County Jail Operations Fund and disbursements have been made equal to that~~
8 ~~amount to the counties as required by Title 34-A, section 1210-D, the receiving jail or~~
9 ~~the department may not charge the sending jail a per diem rate for the transferred~~
10 ~~prisoner.~~

11 ~~B. During a state fiscal year in which less than \$12,202,104 has been appropriated to~~
12 ~~the County Jail Operations Fund or disbursements have not been made equal to that~~
13 ~~amount to the counties as required by Title 34-A, section 1210-D~~ When a prisoner is
14 transferred from a sending jail to a receiving jail, the following provisions apply:

15 (1) The county of the receiving jail may charge the county of the sending jail a
16 per diem rate for the transferred prisoner; and

17 ~~(2) The rate charged by the receiving jail must equal the per diem per prisoner~~
18 ~~amount calculated by the department in making the disbursement to the counties~~
19 ~~under Title 34-A, section 1210-D, subsection 4; and~~

20 (3) The department may charge the county of the sending jail an amount that has
21 been negotiated between the department and the jail sheriff that does not exceed,
22 except as provided in paragraph D, \$108 per diem per prisoner.

23 C. The county of the sending jail shall reimburse the county of the receiving jail or
24 the department for any costs incurred in the provision of extraordinary medical or
25 surgical treatment for conditions of the prisoner that existed prior to transfer.

26 D. Payment amounts provided for in this subsection may be adjusted or dispensed
27 with upon terms mutually agreeable to the sheriff of the county of the sending jail and
28 the sheriff of the county of the receiving jail or the department.

29 **Sec. 3. 34-A MRSA §1210-D, sub-§4, ¶B**, as enacted by PL 2015, c. 335, §23,
30 is amended to read:

31 B. Take into consideration and assign to a jail the number of county jail prisoner
32 days attributable to each prisoner who ~~was charged with committing a crime in that~~
33 ~~county or~~ was committed to the custody of or detained by the sheriff of that county;

34 **Sec. 4. 34-A MRSA §3063-C, sub-§3**, as enacted by PL 2015, c. 335, §28, is
35 amended to read:

36 **3. Reimbursement.** By agreement between the commissioner and the ~~sheriff~~
37 county of the receiving jail pursuant to this section, the department shall pay directly to
38 the jail county reimbursement in accordance with this subsection.

39 ~~A. During a state fiscal year in which at least \$12,202,104 has been appropriated to~~
40 ~~the County Jail Operations Fund and disbursements have been made equal to the~~

1 amount appropriated to the counties as required by section 1210-D, the receiving jail
2 may charge the department for the transferred prisoner a rate to be negotiated
3 between the sheriff of the jail and the department that is no higher than \$25 per diem
4 per prisoner.

5 B. ~~During a state fiscal year in which less than \$12,202,104 has been appropriated to~~
6 ~~the County Jail Operations Fund or disbursements have not been made equal to that~~
7 ~~amount to the counties as required by section 1210-D~~ When a prisoner is transferred
8 from a correctional facility to a county jail, the county of the receiving jail may
9 charge the department for the transferred prisoner a rate to be negotiated between the
10 sheriff of the county jail and the department that is no higher, except as provided in
11 paragraph D, than \$108 per diem per prisoner.

12 C. The department shall reimburse the county of the receiving jail for any costs
13 incurred in the provision of extraordinary medical or surgical treatment for conditions
14 of the prisoner that existed prior to transfer.

15 D. Payment amounts provided for in this section may be adjusted or dispensed with
16 upon terms mutually agreeable to the commissioner and the sheriff of the county of
17 the receiving jail.

18 **SUMMARY**

19 This bill amends the laws on funding the county jails and the transfer of prisoners
20 among county jails and the Department of Corrections. The bill clarifies that a county jail
21 that receives a transfer of a prisoner from a sending county jail or the Department of
22 Corrections may charge the sending county jail or the Department of Corrections a per
23 diem charge for the transferred prisoner. The bill clarifies in the funding formula for
24 county jails that the jails are credited for the prisoners who are committed to the custody
25 of or detained by the sheriff of that county. The bill removes the cap on tax assessments
26 for correctional services that is specific to the jails and imposes the limitation on county
27 assessments that applies more generally to the counties as set forth in the Maine Revised
28 Statutes, Title 30-A, section 706-A.