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Legislative Document

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S.P. 757

In Senate, May 7, 2025

An Act to Authorize the Inclusion of Additional Counties in the Lincoln and Sagadahoc Multicounty Jail Authority

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

A handwritten signature in black ink, appearing to read "D M Grant".

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CURRY of Waldo.

Cosponsored by Senators: BEEBE-CENTER of Knox, RENY of Lincoln, TEPLER of Sagadahoc.

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

2 **Sec. 1. 30-A MRSA c. 17**, as amended, is amended by amending the chapter
3 headnote to read:

4 **CHAPTER 17**

5 **~~LINCOLN AND SAGADAHOE~~ MULTICOUNTY JAIL AUTHORITY**

6 **Sec. 2. 30-A MRSA §1801**, as enacted by PL 2003, c. 228, §1, is amended to read:
7 **§1801. Short title**

8 This chapter may be known and cited as "the ~~Lincoln and Sagadahoe~~ Multicounty Jail
9 Authority Act."

10 **Sec. 3. 30-A MRSA §1802, sub-§1**, as enacted by PL 2003, c. 228, §1, is amended
11 to read:

12 **1. Authority.** "Authority," "multicounty jail authority" or "jail authority" means the
13 authority formed under this chapter and Title 13, chapter 81.

14 **Sec. 4. 30-A MRSA §1802, sub-§2**, as enacted by PL 2003, c. 228, §1, is amended
15 to read:

16 **2. Commissioner.** "Commissioner" or "county commissioner" means a person elected
17 or appointed to ~~the Lincoln County or Sagadahoe County~~ a county's board of
18 commissioners.

19 **Sec. 5. 30-A MRSA §1802, sub-§3-A**, as enacted by PL 2003, c. 688, Pt. C, §15
20 and affected by §16, is amended to read:

21 **3-A. County; counties.** "County" means ~~either Lincoln County or Sagadahoe County~~
22 a county that is a member of the multicounty jail authority, and "counties" means ~~both~~
23 Lincoln County and Sagadahoe County all counties that are members of the multicounty
24 jail authority.

25 **Sec. 6. 30-A MRSA §1803**, as amended by PL 2011, c. 604, §2, is further amended
26 to read:

27 **§1803. Relationship to other laws**

28 This chapter provides an alternative method for carrying out the purposes of this
29 chapter and is supplemental to powers conferred by other laws, and is not in derogation of
30 any existing powers. Any reference to "county jail" or "jail" in the Maine Revised Statutes
31 includes the ~~Lincoln and Sagadahoe~~ Multicounty Jail Facility.

32 **Sec. 7. 30-A MRSA §1805**, as enacted by PL 2003, c. 228, §1, is amended to read:
33 **§1805. Governmental function**

34 The ~~Lincoln and Sagadahoe~~ Multicounty Jail Authority shall administer and exercise
35 the authority granted to it under this chapter. The carrying out of its powers and duties is
36 considered the performance of an essential governmental function.

1 **Sec. 8. 30-A MRSA §1851, first ¶**, as enacted by PL 2003, c. 228, §1, is amended
2 to read:

3 The formation of the multicounty jail authority must be in accordance with this
4 subchapter. The provisions of this subchapter do not apply to new counties that join the
5 multicounty jail authority pursuant to section 1859 unless expressly authorized.

6 **Sec. 9. 30-A MRSA §1851, sub-§4**, as enacted by PL 2005, c. 47, §1 and affected
7 by §3, is amended to read:

8 **4. Establishment.** The ~~Lincoln and Sagadahoc~~ Multicounty Jail Authority is
9 established as a public body corporate and politic and a public instrumentality of the
10 counties, and the exercise by the authority of the powers conferred by this chapter must be
11 deemed and held to be the performance of essential governmental functions.

12 **Sec. 10. 30-A MRSA §1853, sub-§1**, as enacted by PL 2003, c. 228, §1, is amended
13 to read:

14 **1. Authorization.** All of the affairs of the jail authority are managed by a board of
15 directors that consists of not less than 12 directors. The initial board consists of 6 public
16 members, one from each of the commissioners' districts; 4 county commissioners, 2 from
17 each county and 2 sheriffs, one from each county. The exact number of directors must be
18 determined by the operating and governance agreement. Each director is entitled to one
19 vote. The jail authority may alter the number of its directors by amending the operating and
20 governance agreement. If the jail authority adds an additional county pursuant to section
21 1859, it shall amend the operating and governance agreement to include from the new
22 county 3 public members, one from each of the commissioners' districts, 2 county
23 commissioners and one sheriff. A quorum of the directors may conduct the affairs of the
24 jail authority even if there is a vacancy on the board of directors. A quorum is a simple
25 majority of eligible and appointed directors, as long as each county is represented. A simple
26 majority of directors voting, either in person or by written consent, may conduct the affairs
27 of the jail authority.

28 **Sec. 11. 30-A MRSA §1857**, as enacted by PL 2003, c. 228, §1, is amended to read:
29 **§1857. Withdrawal of counties**

30 Lincoln County or Sagadahoc County may withdraw from the jail authority at any time
31 prior to the commitment by the jail authority, or either county on behalf of the jail authority,
32 to issue any instrument of indebtedness, including, but not limited to, bonds and notes. The
33 date upon which the jail authority or either county is committed to issue the debt is
34 established by a majority vote of the board of directors at least 90 days in advance of that
35 date. At the time of withdrawal, the withdrawing county remains liable for its proportionate
36 share of jail authority debts and withdrawal expenses incurred prior to the date of
37 withdrawal and shall make provisions satisfactory to the board of directors and the
38 commissioners to pay its share of the debt outstanding at the time of withdrawal.

39 If a county withdraws from the jail authority or if the jail authority is dissolved, all of
40 the responsibilities granted to the jail administrator are assumed by the sheriffs of the
41 respective counties.

42 After issuance of instruments of indebtedness with a maturity of one year or more,
43 neither Lincoln County nor Sagadahoc County, nor any other county that has joined the

1 authority pursuant to section 1859, may withdraw from the jail authority while the
2 indebtedness remains outstanding without the approval of 2/3 of the board of directors and
3 a majority vote of the commissioners from each other county. A withdrawing county shall
4 make provisions satisfactory to 2/3 of the board of directors and a majority of the
5 commissioners from each county to pay its share of debt outstanding at the time of
6 withdrawal. Those provisions must include the pledge of the full faith and credit of the
7 withdrawing county after consent of each other county, if full faith and credit has not
8 already been pledged under section 1954 or 1955. Withdrawal must be permissible in
9 existing debt instruments.

10 In considering the request of a county to withdraw, the board of directors and the
11 commissioners shall consider the effect of the proposed withdrawal on the ability of the jail
12 authority to continue operating the multicounty jail in a manner and at a cost to the
13 remaining ~~county~~ counties that is reasonable.

14 If the withdrawal causes the costs of the other ~~county~~ counties to increase as a condition
15 of withdrawal, the withdrawing county may be required by the board of directors and the
16 commissioners either to secure an alternate and equivalent source of prisoners for the
17 reasonable life of the jail facility or to execute an agreement to make payments to the jail
18 authority following withdrawal that maintains the costs of the other ~~county~~ member
19 counties to remain constant when adjusted annually for the effect of all other factors on the
20 costs until an alternate and equivalent source of prisoners is secured or results from the
21 nonwithdrawing ~~county's~~ counties' population.

22 Subject to any required approval by the board of directors and the commissioners of
23 each county, withdrawal from the authority by a county may be accomplished by a vote of
24 the commissioners.

25 **Sec. 12. 30-A MRSA §1858, sub-§1**, as enacted by PL 2003, c. 228, §1, is amended
26 to read:

27 **1. Method.** In the event ~~both~~ all counties vote to withdraw pursuant to section 1857,
28 the board of directors shall vote to dissolve the jail authority. The board of directors may,
29 at any time by 2/3 vote, recommend to the counties that the jail authority be dissolved. If
30 such a recommendation is made, the commissioners in each county shall vote on the
31 question of dissolving the jail authority. If the commissioners in each ~~of the counties~~
32 county vote to dissolve the jail authority, the jail authority must be dissolved by the board
33 of directors at a time fixed by the board of directors.

34 **Sec. 13. 30-A MRSA §1859** is enacted to read:

35 **§1859. Addition of counties**

36 After the initial formation of the jail authority pursuant to section 1851, the jail
37 authority may permit additional counties to join the authority. Counties that wish to apply
38 to join the jail authority membership shall hold a public hearing within that county in the
39 same manner as provided in section 1851, subsection 2. If, after the public hearing, the
40 commissioners of the applying county wish to join the jail authority, they shall call an
41 organizational meeting within that county, which must be held in the same manner as in
42 section 1851, subsection 3. A majority of the commissioners from the applying county
43 shall attend the organizational meeting, and the vote to join the jail authority requires a
44 majority vote of those commissioners.

1 The directors of the jail authority may consider new county membership applications
2 under this section, and the vote to allow a new county to join the jail authority requires a
3 majority vote of the directors at a time fixed by the directors. Counties permitted to join
4 the jail authority are subject to the provisions of this chapter and any other terms, conditions
5 or stipulations related to the county's joining the authority, as directed by the directors of
6 the jail authority.

7 **Sec. 14. 30-A MRSA §1901**, as enacted by PL 2003, c. 228, §1, is amended to read:

8 **§1901. Powers**

9 The power and authority of the jail authority formed under this chapter and the
10 administration and the general supervision of all affairs of the authority are vested in the
11 directors. The jail authority has the power, within the counties, to provide for the planning,
12 construction, equipping, operation and maintenance of a common facility for corrections;
13 to generate revenues from those activities and incur expenses from those activities,
14 including reimbursement to ~~Lincoln County and Sagadahoc County~~ the counties for
15 organizational costs, and make contracts with persons, firms, corporations, partnerships,
16 limited partnerships and other entities, whether private, public or municipal, as may be
17 necessary or proper; and, in general, to do any or all other things necessary or incidental
18 for the exercise of its powers or to the accomplishment of the purposes of the jail authority.

19 When the board of directors declares the jail facility operational, any powers and duties
20 necessary to the operation of the ~~Lincoln and Sagadahoc Multicounty Jail facility~~ Facility
21 under this chapter are assumed by the administrator of the ~~multicounty jail facility~~
22 Multicounty Jail Facility.

23 The power to make contracts includes, but is not limited to:

24 **1. Experts.** Contracting with architects, engineers, financial and legal consultants and
25 other experts for services;

26 **2. Operation.** Contracting with persons, firms, corporations, limited partnerships,
27 partnerships, associations, authorities and agencies for the operation of the multicounty jail
28 and for services relating to the operation of the multicounty jail;

29 **3. Corrections.** Contracting for corrections with ~~Lincoln County, Sagadahoc County~~
30 ~~and other governmental agencies, including other counties~~ that are not members of the jail
31 authority;

32 **4. Government.** Contracting with State Government, the Federal Government or any
33 subdivision or agency of the State or the United States for services;

34 **5. County employee services.** Contracting with ~~Lincoln County or Sagadahoc County~~
35 the counties for the services of any officers or employees of ~~either county~~ the counties;

36 **6. Counties.** Contracting with ~~Lincoln County and Sagadahoc County~~ the counties to
37 reimburse organizational costs;

38 **7. Real and personal property.** Purchasing, selling, leasing, acquiring, conveying,
39 mortgaging, improving and using real and personal property in connection with the
40 purposes of the jail authority;

1 **8. Staff; employment.** Employing and establishing salaries and qualifications for
2 such professional, clerical and administrative staff personnel as may be necessary or
3 convenient to the operation of the jail authority; and

4 **9. Use of bidding processes.** Making contracts, issuing bonds, notes or other debt
5 instruments under subchapter 4 and dealing generally with 3rd parties, including the power
6 to use a negotiated or competitive bidding process or any other process that may be
7 advantageous to the jail authority. The determination of the process to be used is made by
8 and at the discretion of the directors.

9 **Sec. 15. 30-A MRSA §1951, sub-§1, ¶B,** as enacted by PL 2003, c. 228, §1, is
10 amended to read:

11 B. Paying any necessary expenses and liabilities incurred under this chapter, including
12 organizational and other necessary expenses and liabilities, whether incurred by the jail
13 authority or any county in the jail authority. The jail authority may reimburse ~~either~~
14 ~~county~~ one of the counties in the jail authority for any such expenses incurred or paid
15 by that county;

16 **Sec. 16. 30-A MRSA §1951, sub-§1,** as enacted by PL 2003, c. 228, §1, is amended
17 by amending the first blocked paragraph to read:

18 Bonds may be issued by the jail authority under this chapter as general obligations of the
19 jail authority or as special obligations payable solely from particular funds. The principal,
20 premium and interest on all bonds must be payable solely from the funds provided for that
21 purpose from revenues. All bonds issued by the jail authority under this chapter are legal
22 obligations of the jail authority and the jail authority is declared to be a quasi-municipal
23 corporation within the meaning of section 5701. Bonds may be issued under this chapter
24 without obtaining the consent of any commission, board, bureau or agency of the State.
25 Bonds issued by the authority under this section are a municipal security as defined by
26 section 5903 and are eligible for purchase by the Maine Municipal Bond Bank. Except as
27 provided in this subchapter, bonds issued under this chapter by the jail authority do not
28 constitute a debt or liability of the State or of ~~either county~~ one of the counties in the jail
29 authority or a pledge of the faith and credit of the State or ~~either county~~ one of the counties,
30 and a statement to that effect must be recited on the face of the bonds.

31 **Sec. 17. 30-A MRSA §1951, sub-§7,** as enacted by PL 2003, c. 228, §1, is amended
32 to read:

33 **7. Refunding bonds.** The jail authority formed under this chapter by resolution of its
34 board of directors without consent of ~~either county~~ one of the counties may issue refunding
35 bonds for the purpose of paying any of its bonds at maturity or upon acceleration of
36 maturity or redemption of those bonds. The refunding bonds may be issued at such time
37 prior to the maturity or redemption of the refunded bonds as the board of directors
38 determines to be in the public interest. The refunding bonds may be issued in sufficient
39 amounts to pay or provide the principal of the bonds being refunded, together with any
40 redemption premium on the bonds, any interest accrued or to accrue to the date of payment
41 of those bonds, the expenses of issuance of the refunding bonds, the expenses of redeeming
42 the bonds being refunded and such reserves for debt service or other capital or current
43 expenses from the proceeds of the refunding bonds as may be required by the trust
44 agreement or resolution securing bonds. The issuance of refunding bonds, the maturities
45 and other details of the issuance of refunding bonds, the security for the issuance of

1 refunding bonds, the rights of the holders of the issuance of refunding bonds and the rights,
2 duties and obligations of the jail authority in respect of the same is governed by the
3 applicable provisions of this chapter relating to the issuance of bonds.

4 **Sec. 18. 30-A MRSA §1952, sub-§6**, as enacted by PL 2003, c. 228, §1, is amended
5 to read:

6 **6. Payment of obligations.** Pay or provide for any and all amounts that the jail
7 authority may be obligated to pay or provide for by law or contract, including any resolution
8 or contract with or for the benefit of the holders of its bonds and notes and including
9 payment of organizational costs to ~~Lincoln County and Sagadahoc County~~ the counties.

10 **Sec. 19. 30-A MRSA §1955**, as enacted by PL 2003, c. 228, §1, is amended to read:

11 **§1955. Bonds issued by counties**

12 For the purpose of assisting the jail authority in financing the multicounty jail
13 authorized by this chapter, and notwithstanding any ~~other~~ provision of law to the contrary,
14 with consent of the counties, ~~Lincoln County and Sagadahoc County~~ the counties may issue
15 general obligation bonds backed by the full faith and credit of the counties. Proceeds of
16 the bonds or any part of the bonds may be either loaned or contributed to the jail authority.
17 The issuance of the bonds and the loaning or contributing of funds to the jail authority
18 formed under this chapter constitute a valid purpose for which ~~either the~~ the county may raise
19 or appropriate money. General obligation bonds issued by ~~either a~~ a county under this
20 section are municipal securities as defined in section 5903, and are eligible for purchase by
21 the Maine Municipal Bond Bank. A county issuing bonds under this section and the jail
22 authority receiving the proceeds of the bonds may enter into such contracts and agreements
23 as they may agree upon, both with each other and 3rd parties, establish trust or enterprise
24 funds to provide for timely payment of the bonds, employ a trustee and do all things that
25 may be necessary or convenient to the jail authority or the county to make use of the bonds
26 as may be determined by the board of directors and the county commissioners of the county
27 issuing bonds.

28 **Sec. 20. Multicounty jail authority; report.** By December 3, 2025, the board of
29 directors of the multicounty jail authority formed pursuant to the Maine Revised Statutes,
30 Title 30-A, section 1851 shall submit to the Joint Standing Committee on Criminal Justice
31 and Public Safety a report outlining the recommendations for legislative changes, including
32 proposed legislation, to Title 30-A, chapter 17, or other provisions of law, necessary to
33 allow additional counties to join the multicounty jail authority pursuant to Title 30-A,
34 section 1859. After reviewing the report, the committee may report out related legislation
35 to the Second Regular Session of the 132nd Legislature.

36 **SUMMARY**

37 This bill permits the multicounty jail authority to add additional counties to the jail
38 authority. A county that wishes to join the jail authority must hold a public hearing on the
39 matter. If the commissioners of the county wish to join the jail authority, they are required
40 to hold an organizational meeting and vote on whether to apply to join the jail authority.
41 This vote requires a majority of the county's commissioners. The jail authority may then
42 consider the applying county's application, and hold a vote on whether to accept the county
43 into the jail authority. This vote requires a majority of the authority's directors.

1 The bill also changes most references to Lincoln County and Sagadahoc County to
2 member counties to be consistent with the potential addition of more counties to the jail
3 authority.