

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

Date: (Filing No. S-)

CRIMINAL JUSTICE AND PUBLIC SAFETY

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE
SENATE
128TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 694, L.D. 1841, Bill, “An Act To Authorize a Prerelease Facility in Washington County”

Amend the bill by striking out the title and substituting the following:

'An Act To Establish the Washington County Prerelease and Job Training Center and To Sell the Downeast Correctional Facility'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 34-A MRSA c. 3, sub-c. 6, as amended, is repealed.

Sec. 2. 34-A MRSA c. 3, sub-c. 10 is enacted to read:

SUBCHAPTER 10

WASHINGTON COUNTY PRERELEASE AND JOB TRAINING CENTER

§4301. Establishment

There is established the Washington County Prerelease and Job Training Center, referred to in this subchapter as "the center," which must be located in Washington County.

§4302. Purposes

The purposes of the center include vocational training and rehabilitative programs, including but not limited to work release and work involving public restitution, for 50 or fewer prisoners.

§4303. Director

1. Chief administrative officer. The chief administrative officer of the center is called the director and is responsible to the commissioner.

COMMITTEE AMENDMENT

1 **2. Duties.** In addition to other duties set out in this subchapter, the director has the
2 following duties.

3 **A.** The director shall exercise proper supervision over the employees, grounds,
4 buildings and equipment at the center.

5 **B.** The director shall supervise and control the prisoners at the center in accordance
6 with departmental rules.

7 **3. Designation of acting director.** The commissioner may designate an acting
8 director when the director is absent or unable to perform the director's duties.

9 **§4304. Prisoners generally**

10 **1. Confinement of prisoners transferred to center.** All prisoners transferred to the
11 center must be detained and confined in accordance with the sentences of the court and
12 the rules of the department.

13 **2. Vocational training.** The director shall work collaboratively with the Department
14 of Labor, the Department of Education, community vocational and educational
15 institutions, private employers and other public and private agencies and organizations as
16 necessary to ensure the provision of suitable vocational training for prisoners at the
17 center. The director shall maintain necessary equipment and employ suitable qualified
18 instructors as necessary to carry out the objectives of the center's programs.

19 **3. Work release.** The director shall work collaboratively with private employers as
20 necessary to ensure the provision of suitable work release opportunities for prisoners at
21 the center.

22 **4. Employment.** The commissioner may authorize the employment of prisoners at
23 the center on public works with any department, agency or entity of the State or county or
24 local government and may authorize the use of prisoners to provide assistance in the
25 improvement of property owned by nonprofit organizations.

26 **A.** The commissioner shall adopt such rules as the commissioner considers proper to
27 ensure the care and treatment of the prisoners and the safe working conditions of
28 prisoners and departmental employees. Rules adopted pursuant to this paragraph are
29 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

30 **B.** Employment authorized in this subsection must provide training to the prisoners
31 at the center and provide an opportunity for public restitution for the crime or crimes
32 committed by those prisoners.

33 **C.** A prisoner employed pursuant to this subsection may not be compensated
34 monetarily for work performed.

35 **D.** The commissioner may request that a nonprofit organization pay for the
36 transportation of the prisoners it employs and pay the per diem compensation of
37 correctional officers or instructors who are required to accompany the prisoners or
38 oversee the work to be performed.

1 **§4305. Employees of the center**

2 Employees of the center have the same power as deputy sheriffs in their respective
3 counties to search for and apprehend a prisoner who has escaped from the center when
4 those employees are authorized to do so by the director.

5 **Sec. 3. Authority for property purchase for Washington County**
6 **Prerelease and Job Training Center.** The Commissioner of Corrections shall
7 identify land in Washington County owned by the State and obtain the rights to develop
8 that land or shall purchase a parcel of land and buildings in Washington County for the
9 Washington County Prerelease and Job Training Center, by warranty deed with or
10 without covenants to be conveyed to the Department of Corrections and recorded in the
11 Washington County Registry of Deeds. Prior to the purchase of the property, the
12 proposed purchase must be reviewed by the Director of the Bureau of General Services
13 within the Department of Administrative and Financial Services.

14 **Sec. 4. Sale or lease of Downeast Correctional Facility.** The following
15 requirements apply to the offering for sale or lease of the property of the Downeast
16 Correctional Facility.

17 1. The Commissioner of Corrections shall sell or lease the land and buildings known
18 as the Downeast Correctional Facility, identified as 64 Base Road, consisting of
19 approximately 25.24 acres in fee and 2.69 acres of easements together with
20 improvements, identified on Tax Assessor's Map 12 as Lot 053 and recorded in the
21 Washington County Registry of Deeds, Book 1314, Pages 276 to 286.

22 2. The Commissioner of Corrections may negotiate and execute leases and purchase
23 and sale agreements upon terms the commissioner considers appropriate.

24 3. If the Downeast Correctional Facility is sold, the sale must occur as is, with no
25 representations or warranties and with the title transferred by quitclaim deed without
26 covenant or by release deed to be executed by the Commissioner of Corrections.

27 4. Prior to any lease or sale, the Downeast Correctional Facility must first be offered
28 to the Maine State Housing Authority or another state or local agency, which may acquire
29 the property upon satisfaction of the terms of this section.

30 5. The Commissioner of Corrections shall have the current market value of the
31 Downeast Correctional Facility determined by broker opinion of value and current
32 comparative market analysis.

33 6. The Commissioner of Corrections may list the state property comprising the
34 Downeast Correctional Facility for sale or lease with private real estate brokers and
35 negotiate any sales or leases, solicit bids, sell directly to purchasers or enter directly into
36 leases with tenants. The Commissioner of Corrections may reject any offers.

37 7. The proceeds from the sale or lease of the Downeast Correctional Facility must, as
38 designated by the Commissioner of Administrative and Financial Services, be deposited
39 into the Department of Administrative and Financial Services, Bureau of General
40 Services' capital repair and improvement account for capital improvements.

41 8. This section is repealed 5 years from the effective date of this Act.

