

**OFFICE OF POLICY AND LEGAL ANALYSIS
BILL ANALYSIS**

TO: Members, Joint Standing Committee on Criminal Justice and Public Safety

FROM: Jane Orbeton, Legislative Analyst

DATE: February 23, 2021

LD: 271 An Act To Recruit and Retain Department of Corrections Facilities Support Staff

Summary

This bill provides a wage adjustment of \$2 per hour for Department of Corrections staff in correctional facilities in support, maintenance and other nonsupervisory positions beginning September 1, 2021. In 2016, guards in the department were given a \$2 per hour wage increase but other employees in the correctional facilities were not.

Testimony

1. The sponsor, Representative Pluecker, testified in support of the bill. Rep. Pluecker mentioned that work would need to be done on what positions to include in the bill for wage adjustments. He also mentioned that the position of “guard” should be changed to “correctional officer.”
2. Jeff McCabe, representing MSEA, spoke in favor of the bill, mentioning a State Market Pay Report that was done and submitted to the State and Local Government Committee in 2020. Also speaking in favor was George Peterson, correctional plant maintenance engineer. Additional testimony was submitted in support of the bill from Lisa Whitis, a DOC teacher at MCC, Jeffrey Taylor, a resident of the Maine State Prison, and Peter Lehman, representing the Maine Prisoner Advocacy Coalition.
3. There was no testimony in opposition to the bill.
4. Breena Bissell, Director of the Bureau of Human Resources in the Department of Administrative and Financial Services, and Commissioner Liberty spoke neither for nor against. Ms. Bissell in her testimony supported going through collective bargaining and state procedures and review processes in seeking pay adjustments. Commissioner Liberty’s testimony supported using collective bargaining to address wage and benefits of DOC employees instead of legislation.

Notes/Issues

1. This bill is identical except for a 2-year time difference to LD 820 from the 129th Legislature. A copy of the committee amendment, which was voted Ought to Pass as Amended is printed below. The amendment establishes a recruitment and retention committee to evaluate the need for a wage adjustment in order to recruit and retain employees and requires a report back to the Criminal Justice Committee by October 31, 2020. Although the bill was voted it was never reported out to the House. The bill died on adjournment in the House.

Fiscal Impact

No information available at this time regarding the fiscal impact of granting a \$2 per hour wage adjustment to eligible employees.

Amended LD 802 from 129th Legislature:

Page 1 - COMMITTEE AMENDMENT 1 L.D. 802 129TH LEGISLATURE 8 SECOND REGULAR SESSION

Line 9 - COMMITTEE AMENDMENT “ ” to H.P. 590, L.D. 802, Bill, “An Act To 10 Recruit and Retain Corrections Support Staff” 11 Amend the bill by striking out the title and substituting the following: 12 'Resolve, To Review Recruitment and Retention of Corrections Support Staff and 13 Provide Recommendations to the Legislature' 14 Amend the bill by striking out everything after the title and inserting the following: 15 'Sec. 1. Recruitment and retention. Resolved: That the director of the 16 Department of Administrative and Financial Services, Bureau of Human Resources shall 17 convene a committee pursuant to the Maine Revised Statutes, Title 5, section 7065, 18 subsection 2-D and shall include the Department of Corrections and such other parties as 19 are required by that provision of law. The committee shall evaluate the necessity of a 20 recruitment and retention wage adjustment in order to recruit and retain an adequate 21 workforce within the Department of Corrections for staff in support, maintenance and 22 other nonsupervisory positions, but not including guards, in correctional facilities 23 maintained by the Department of Corrections. The director shall provide a report on the 24 work and recommendations of the recruitment and retention committee by October 31, 25 2020 to the Joint Standing Committee on Criminal Justice and Public Safety.'

Line 26 - SUMMARY

Line - 27 This amendment is the majority report of the committee. The amendment replaces 28 the bill with a resolve that directs the director of the Department of Administrative and 29 Financial Services, Bureau of Human Resources to convene a committee to evaluate the 30 necessity of a recruitment and retention wage adjustment in order to recruit and retain an 31 adequate workforce within the Department of Corrections for staff in support, 32 maintenance and other nonsupervisory positions, but not including guards, in correctional 33 facilities maintained by the Department of Corrections. The amendment requires the 34 director to provide a report on the work and recommendations of the recruitment and retention committee by October 31, 2020 to the Joint Standing Committee on Criminal and Justice and Public Safety.

Fiscal Note for Committee Amendment to LD 802 reads that the Department of Corrections can absorb the costs of participating in the recruitment and retention committee’s review of the proposed wage adjustment for DOC staff in support, maintenance and 22 other nonsupervisory positions, but not including guards.