

130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 419

H.P. 303

House of Representatives, February 10, 2021

An Act Regarding Participation in Public Works Projects by Pretrial Inmates

Received by the Clerk of the House on February 8, 2021. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

R(+ B. Hunt

ROBERT B. HUNT Clerk

Presented by Representative COSTAIN of Plymouth.

Cosponsored by Representatives: PICKETT of Dixfield, RUDNICKI of Fairfield, WARREN of Hallowell.

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

Sec. 1. 30-A MRSA §1606, sub-§1, as amended by PL 2011, c. 506, §1, is further amended to read:

1. Participation in public works projects authorized. The sheriff in charge of a county jail, or the sheriff of a county that shares a regional jail with other counties, may permit certain inmates of that jail, including inmates charged with a crime or awaiting sentence, to participate in public works-related projects or in the improvement of property owned by charitable organizations in that county or another county. A project or improvement must be supervised by the sheriff of the county in which the project or improvement is being conducted. The sheriff may request payment from charitable organizations for the transportation of the prisoners and for the transportation and per diem compensation for any guards who accompany the prisoners. For the purposes of this section, "charitable organization" means any nonprofit organization organized or incorporated in this State or having a principal place of business in this State that is exempt from federal income taxation under the United States Internal Revenue Code of 1986, Section 501(a), because the nonprofit organization is described in the United States Internal Revenue Code of 1986, Section 501(c)(3).

SUMMARY

This bill allows inmates in a jail who are charged with a crime or awaiting sentence to participate in public works projects.

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COMMITTEE VOTING TALLY SHEET

LD # or Confirmation: LD 419

Committee: Criminal Justice and Public Safety

Date: 03/03/2021

Motion: Ought To Pass As Amended

Motion by: Rep. Pickett

Seconded by: Rep. Reckitt

	Recon	Recommendation of those opposed to the Motion						
Those Voting in Favor of the Motion	OTP-AM Cyrway						Absent	Abstain

Senators

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Sen. Deschambault					х	
Sen. Cyrway		X				
Sen. Lawrence					Х	

Representatives

Rep. C. Warren	X				
Rep. Costain	x				
Rep. Lookner	x				
Rep. Morales	x				
Rep. Newman	x				
Rep. Pickett	x				
Rep. Pluecker	Х				
Rep. Reckitt	Х				
Rep. Rudnicki	Х				
Rep. Sharpe	Х				
<u></u>					

MAJORITY **HOUSE REPORT**

THE COMMITTEE ON Criminal Justice and Public Safety

to which was referred the following:

An Act Regarding Participation in Public Works Projects by Pretrial Inmates

H.P. 303

L.D. 419

has had the same under consideration, and asks leave to report that the same OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT " "

	of
(Signature)	For the Committee
REP. C. WARREN of Hallowell	
REP. COSTAIN of Plymouth	
REP, LOOKNER of Portland	
REP. MORALES of South Portland	·····
REP. NEWMAN of Belgrade	
REP. PICKETT of Dixfield	
REP. PLUECKER of Warren	
REP. RECKITT of South Portland	,
REP. RUDNICKI of Fairfield	
REP. SHARPE of Durham	
-	
(Trea)	(Signatures)

(Type) Rep. of (Town) and/or Sen. of (County) (orgnatures)



HOUSE REPORT

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	of
(Signature)	For the Committee
SEN. CYRWAY of Kennebec	
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(Type) Rep. of (Town) and/or Sen. of (County)	(Signatures)



Printed on recycled paper

ł	L.D. 419
2	Date: (Filing No. H-)
3	CRIMINAL JUSTICE AND PUBLIC SAFETY
4	Reproduced and distributed under the direction of the Clerk of the House.
5	STATE OF MAINE
6	• HOUSE OF REPRESENTATIVES
7	130TH LEGISLATURE
8	FIRST REGULAR SESSION
9 10	COMMITTEE AMENDMENT "" to H.P. 303, L.D. 419, "An Act Regarding Participation in Public Works Projects by Pretrial Inmates"
11	Amend the bill by striking out the title and substituting the following:
12 13	'An Act Regarding Voluntary Participation in Work Projects by Inmates Who Are Pretrial, Presentence and Sentenced'
14 15	Amend the bill by striking out everything after the enacting clause and inserting the following:
16 17	'Sec. 1. 30-A MRSA §1606, as amended by PL 2019, c. 113, Pt. C. §80. is further amended to read:
18 19	§1606. Prisoner <u>voluntary</u> participation in public works projects <u>and in work projects</u> within the jails
20 21 22 23 24 25 26 27 28 29 30 31 32 33	1. Participation Voluntary participation in public works projects authorized. The sheriff in charge of a county jail, or the sheriff of a county that shares a regional jail with other counties, may permit certain inmates of that jail. who have been sentenced, to voluntarily participate in public works-related projects or in the improvement of property owned by charitable organizations in that county or another county. A project or improvement must be supervised by the sheriff of the county in which the project or improvement is being conducted. The sheriff may request payment from charitable organizations for the transportation of the prisoners and for the transportation and per diem compensation for any guards corrections officers who accompany the prisoners. For the purposes of this section, "charitable organization" means any nonprofit organization organized or incorporated in this State or having a principal place of business in this State that is exempt from federal income taxation under the United States Internal Revenue Code of 1986, Section 501(a), because the nonprofit organization is described in the United States Internal Revenue Code of 1986, Section 501(a).
34 35 36	<u>1-B. Voluntary participation in work projects within the jails.</u> The sheriff in charge of a county jail, or the sheriff of a county that shares a regional jail with other counties, may permit certain inmates of that jail who are detained at the jail pretrial or

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COMMUTTEE AMENDMENT * * to H.P. 303, L.D. 419

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presentence to voluntarily participate in work projects within the jail and on jail property
when under supervision and as approved by the sheriff.

2. Sentence prorated. Inmates participating in a public works-related project or an improvement of property owned by a charitable organization under this section subsection 1 may have their sentences to the jail prorated at the rate of up to one day removed from the sentences for every 16 hours of participation in the project, except that inmates committed to the custody of the sheriff for nonpayment of fines under Title 17-A, section 1711 must have their sentences prorated at the rate that is applicable to the individual inmate pursuant to Title 17-A, section 1711, subsection 4, paragraph A, subparagraph (1).

3. Participation not deemed employment. Participation in this type of Voluntary participation in a work project <u>under subsection 1 or 1-B</u> may not be deemed employment under section 1605, subsections 3 to 8.

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
number to read consecutively.

SUMMARY

This amendment is the majority report of the committee. The amendment replaces the bill and provides a new title, "An Act Regarding Voluntary Participation in Work Projects by Inmates Who Are Pretrial. Presentence and Sentenced." The amendment clarifies that participation in work projects within and outside the jails by inmates of the jails is voluntary. The amendment authorizes participation in work projects by inmates who are pretrial and presentence within the jail and on jail property when under supervision and as approved by the sheriff.

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LD 419

LR 501(02)

An Act Regarding Participation in Public Works Projects by Pretrial Inmates

Fiscal Note for Bill as Amended by Committee Amendment " " Committee: Criminal Justice and Public Safety Fiscal Note Required: No

Fiscal Note

No fiscal impact

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12 13	'An Act Regarding Voluntary Participation in Work Projects by Inmates Who Are Pretrial, Presentence and Sentenced'
14 15	Amend the bill by striking out everything after the enacting clause and inserting the following:
16 17	'Sec. 1. 30-A MRSA §1606, as amended by PL 2019, c. 113, Pt. C, §80, is further amended to read:
18 19	§1606. Prisoner <u>voluntarv</u> participation in public works projects <u>and in work projects</u> within the jails
20 21 22 23 24 25 26 27 28 29 30 31 32 33	1. Participation Voluntary participation in public works projects authorized. The sheriff in charge of a county jail, or the sheriff of a county that shares a regional jail with other counties, may permit certain inmates of that jail. who have been sentenced, to voluntarily participate in public works-related projects or in the improvement of property owned by charitable organizations in that county or another county. A project or improvement must be supervised by the sheriff of the county in which the project or improvement is being conducted. The sheriff may request payment from charitable organizations for the transportation of the prisoners and for the transportation and per diem compensation for any guards corrections officers who accompany the prisoners. For the purposes of this section, "charitable organization" means any nonprofit organization organized or incorporated in this State or having a principal place of business in this State that is exempt from federal income taxation under the United States Internal Revenue Code of 1986, Section 501(a), because the nonprofit organization is described in the United States Internal Revenue Code of 1986, Section 501(c)(3).
34 35	1-B. Voluntary participation in work projects within the jails. The sheriff in charge of a county jail. or the sheriff of a county that shares a regional jail with other

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COMMITTEE AMENDMENT * * * to H.P. 303, L.D. 419

<u>counties, may permit certain inmates of that jail who are detained at the jail pretrial or</u>
presentence to voluntarily participate in work projects within the jail.

2. Sentence prorated. Inmates participating in a public works-related project or an
improvement of property owned by a charitable organization under this section subsection
1 may have their sentences to the jail prorated at the rate of up to one day removed from
the sentences for every 16 hours of participation in the project, except that inmates
committed to the custody of the sheriff for nonpayment of fines under Title 17-A, section
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inmate pursuant to Title 17-A, section 1711, subsection 4, paragraph A, subparagraph (1).

3. Participation not deemed employment. Participation in this type of Voluntary participation in a work project under subsection 1 or 1-B may not be deemed employment under section 1605, subsections 3 to 8.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

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This amendment is the minority report of the committee. The amendment replaces the bill and provides a new title, "An Act Regarding Voluntary Participation in Work Projects by Inmates Who Are Pretrial, Presentence and Sentenced." The amendment clarifies that participation in work projects within and outside the jails by inmates of the jails is voluntary. The amendment authorizes participation in work projects within the jail by inmates who are pretrial and presentence.

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LD 419

LR 501(03)

An Act Regarding Participation in Public Works Projects by Pretrial Inmates

Fiscal Note for Bill as Amended by Committee Amendment " " Committee: Criminal Justice and Public Safety Fiscal Note Required: No

Fiscal Note

No fiscal impact