

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Transfer Operations and Ownership of County Jail Facilities to the State**

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

**Sec. 1. 30-A MRSA §1662** is enacted to read:

### **§ 1662. Transfer of county jail facilities to the State and operational responsibilities to the Department of Corrections**

**1. Transfer.** The ownership of county jail facilities is transferred to the State effective July 1, 2020. The Department of Corrections is responsible for the operation of county jail facilities under this section.

**2. Property tax assessment for jail operations beginning July 1, 2020.** With respect to any county budget funding for jail operations on and after July 1, 2020, the property tax assessment to the municipalities must be no more than the tax assessment for correctional services provided for in section 701, subsection 2-C, adjusted annually by the Consumer Price Index for All Urban Consumers, CPI-U, as compiled by the United States Department of Labor, Bureau of Labor Statistics. No later than June 30, 2021 and each year thereafter, a county must remit the property tax amount to the Department of Administrative and Financial Services.

**Sec. 2. Transfer of county jail facilities to the State and operational responsibilities to the Department of Corrections.** This section establishes the procedures and timelines necessary to transfer all county jail facilities to the State and operational responsibilities to the Department of Corrections as of July 1, 2020.

**1. Standard jail facilities transfer contract.** No later than December 31, 2017, the Commissioner of Administrative and Financial Services shall create a standard jail facilities transfer contract to be used as the default contract if the negotiations process described in subsection 3 does not successfully result in the execution of a contract that transfers to the Department of Administrative and Financial Services ownership of the jail facilities.

**2. Standard jail operations transfer contract.** No later than December 31, 2017, the Commissioner of Corrections shall create a standard jail operations transfer contract to be used as the default contract if the negotiations process described in subsection 4 does not successfully result in the execution of a contract that transfers to the Department of Corrections all responsibilities for jail management and operations.

**3. Transfer of county jail facilities to the State.** No later than June 30, 2018, the Commissioner of Administrative and Financial Services or the commissioner's designee shall meet with the county commissioners, county administrators and jail administrators of each county to begin negotiating the terms of the transfer of county jail facilities to the State. The parties are authorized to negotiate all terms

of the transfer process except for the transfer date, which must be July 1, 2020. If by June 1, 2020 the parties have failed to agree on the process, the standard jail facilities transfer contract under subsection 1 must be used to facilitate the transfer.

**4. Transfer of county jail operations to the State.** No later than June 30, 2018, the Commissioner of Corrections or the commissioner's designee shall meet with the county commissioners, county administrators, jail administrators and sheriffs of each county to begin negotiating the terms of the transfer of county jail operations to the State. The parties are authorized to negotiate all terms of the transfer process except the transfer date, which must be July 1, 2020. If by June 1, 2020 the parties have failed to agree on the process, the standard jail operations transfer contract under subsection 2 must be used to facilitate the transfer.

**5. Request for state funding.** No later than January 15, 2019, the Commissioner of Administrative and Financial Services and the Commissioner of Corrections shall submit to the joint standing committees of the Legislature having jurisdiction over criminal justice and public safety matters and appropriations and financial affairs proposed legislation requesting the fiscal year 2020-21 and fiscal year 2021-22 funding necessary to implement the contracts negotiated pursuant to subsections 3 and 4. The fiscal year 2021-22 funding request must take into consideration the property tax revenue for jail operations provided for in the Maine Revised Statutes, Title 30-A, section 1662, subsection 2.

**Sec. 3. Codification of the transfer of county jail facilities and operational responsibilities to the Department of Corrections.** The Department of Corrections shall submit proposed legislation during the First Regular Session of the 130th Legislature to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters that transfers all necessary and appropriate jail operations and management statutes in the Maine Revised Statutes, Title 30-A to Title 34-A and otherwise establishes the department as the entity responsible for the ownership, management and operations of the State's jails.

## SUMMARY

This bill establishes the process for transferring county jail facilities and operational responsibilities to the State as of July 1, 2020.