

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

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

FROM: Jane Orbeton, Legislative Analyst

DATE: January 11, 2022

LD: 1154 An Act To Improve the Safety of Prisoners and Jail Staff by Limiting Work Hours of Jail Employees

Bill Status

This bill, sponsored by Rep Collings, was heard on May 5, 2021 and work sessions were held on May 11 and 24, 2021. Rep Collings reported on discussions that he had with Cumberland County Sheriff Kevin Joyce and stressed the severity of staffing shortages, safety issues and the need of the jails to provide behavioral health and substance use disorder treatment. Penobscot County Sheriff Troy Morton provided information on jail staffing, which runs from 8 to 12 hour shifts, with some jails mandating overtime when needed, and employment vacancies, which run from no openings to many openings. Sheriff Morton cautioned that the bill will interfere with collective bargaining. Joseph Piccone, business agent for the Teamsters Union, provided information on unresolved overtime issues in labor negotiations. At the conclusion of the second work session the sponsor mentioned that work hours are a problems in jails and Department of Corrections' facilities and requested that the bill be carried over. The bill was carried over to the Second Regular Session.

Summary

This bill requires jail employees to receive 8 hours off duty for every 16 hours worked on duty.

Testimony

Proponents:

Rep Collings, the sponsor, presented the bill and spoke in favor. Rep Collings spoke of the need for controlling overtime work by employees in the jails and spoke of potential safety issues.

Opponents:

Stephen Gorden, president of the board of the Maine County Commissioners Association, submitted testimony in opposition, citing: (1) that the bill would constrain the ability of employers and employees to establish the terms of employment and interfered in collective bargaining issues; (2) that the bill would constrain the ability of employees to pick up additional shifts; and (3) that the bill does not recognize emergency situations when working overtime may be required to protect the public, jail inmates or other employees.

Neither for nor against:

Penobscot County Sheriff Troy Morton testified neither for nor against, citing the difficulties that jails are having with staffing and overtime. Sheriff Morton offered to survey the other sheriffs and bring information for the work session.