

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

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

**FROM: Jane Orbeton, Legislative Analyst**

**DATE: February 17, 2021**

**LD: 13 An Act To Coordinate the Delivery of Individuals Committed to the Department of Corrections**

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**Summary:**

Under Title 17-A, section 2304 (Ferdico book, page 247) when a person is sentenced and committed to the Department of Corrections, the Sheriff or Sheriff's designee must notify the Commissioner of Corrections or the Commissioner's designee and inquire which correctional facility to deliver the person to. The Commissioner determines the appropriate facility and then informs the Sheriff. The Sheriff then transports the person to that facility. The law does not state who determines the time of the delivery to the facility.

This bill was submitted by the Department of Corrections and sponsored by Senator Deschambault. The bill requires the Commissioner and the Sheriff or their designees to coordinate the date and time of delivery by the Sheriff's Office. The bill does not change the duty of the Sheriff to transport the person or the department's authority to specify the correctional facility.

**Testimony:**

The sponsor presented the bill and Commissioner Randall Liberty spoke in favor. Kennebec County Sheriff Ken Mason testified neither for nor against. Peter Lehman, Maine Prisoner Advocacy Coalition, submitted written testimony and suggested that peer support would be helpful in orienting new prisoners. There was no testimony opposed to the bill. No amendments were proposed at the public hearing.

**Notes/Issues**

1. There was discussion about the pandemic having forced DOC and the jails into new procedures for delivering jail prisoners to DOC and about the benefits of coordinated delivery: providing for necessary staffing, reducing wait times, ensuring separation of men and women prisoners and better management and safety of intake and the intake room at the DOC facility.
2. One member inquired about using DOC policy instead of in a new law, in response to which Commissioner Liberty stated that DOC policy lacks authority to force compliance by the jails.
3. One member inquired about DOC staff receiving hazard pay and mentioned that sheriff's office personnel did not receive hazard pay.