



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 597

H.P. 413

House of Representatives, February 16, 2017

**An Act To Make the Reimbursement Rate for Transfers of Inmates
from County Jails Equal to the Federal Reimbursement Rate**

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative FARRIN of Norridgewock.
Cosponsored by Senator WHITEMORE of Somerset and
Representatives: ALLEY of Beals, AUSTIN of Skowhegan, FOLEY of Wells, GRIGNON of
Athens, STETKIS of Canaan, STROM of Pittsfield, Senators: CYRWAY of Kennebec,
DAVIS of Piscataquis.

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

2 **Sec. 1. 30-A MRSA §1557-B, sub-§3**, as enacted by PL 2015, c. 335, §16, is
3 amended to read:

4 **3. Reimbursement.** Reimbursement for the support of a prisoner who is transferred
5 by a sending jail to a receiving jail or the Department of Corrections is subject to the
6 provisions of this subsection.

7 ~~A. During a state fiscal year in which at least \$12,202,104 has been appropriated to~~
8 ~~the County Jail Operations Fund and disbursements have been made equal to that~~
9 ~~amount to the counties as required by Title 34-A, section 1210-D, the receiving jail or~~
10 ~~the department may not charge the sending jail a per diem rate for the transferred~~
11 ~~prisoner.~~

12 ~~B. During a state fiscal year in which less than \$12,202,104 has been appropriated to~~
13 ~~the County Jail Operations Fund or disbursements have not been made equal to that~~
14 ~~amount to the counties as required by Title 34-A, section 1210-D, the following~~
15 ~~provisions apply:~~

16 ~~(1) The receiving jail may charge the sending jail a per diem rate for the~~
17 ~~transferred prisoner;~~

18 ~~(2) The rate charged by the receiving jail must equal the per diem per prisoner~~
19 ~~amount calculated by the department in making the disbursement to the counties~~
20 ~~under Title 34-A, section 1210-D, subsection 4; and~~

21 ~~(3) The department may charge the sending jail an amount that has been~~
22 ~~negotiated between the department and the jail that does not exceed \$108 per~~
23 ~~diem per prisoner.~~

24 B-1. The sending jail shall reimburse the receiving jail or the department a fee equal
25 to the amount of the federal reimbursement fee for housing prisoners, but no less than
26 \$90 per diem per prisoner.

27 C. The sending jail shall reimburse the receiving jail or the department for any costs
28 incurred in the provision of extraordinary medical or surgical treatment for conditions
29 of the prisoner that existed prior to transfer.

30 D. Payment amounts provided for in this subsection may be adjusted or dispensed
31 with upon terms mutually agreeable to the sheriff of the sending jail and the sheriff of
32 the receiving jail or the department.

33 **SUMMARY**

34 This bill makes the reimbursement rate for transfers of inmates from a county jail to
35 another county jail or to the Department of Corrections equal to the federal
36 reimbursement rate for housing prisoners, but no less than \$90 per diem per prisoner.