



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1266

S.P. 429

In Senate, March 30, 2017

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

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator DIAMOND of Cumberland.
Cosponsored by Representative SPEAR of South Thomaston and
Representative: MADIGAN of Rumford.

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

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

3 **§1662. Transfer of county jail facilities to the State and operational responsibilities**
4 **to the Department of Corrections**

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

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

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

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

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

31 **3. Transfer of county jail facilities to the State.** No later than June 30, 2018, the
32 Commissioner of Administrative and Financial Services or the commissioner's designee
33 shall meet with the county commissioners, county administrators and jail administrators
34 of each county to begin negotiating the terms of the transfer of county jail facilities to the
35 State. The parties are authorized to negotiate all terms of the transfer process except for
36 the transfer date, which must be July 1, 2020. If by June 1, 2020 the parties have failed to
37 agree on the process, the standard jail facilities transfer contract under subsection 1 must
38 be used to facilitate the transfer.

39 **4. Transfer of county jail operations to the State.** No later than June 30, 2018, the
40 Commissioner of Corrections or the commissioner's designee shall meet with the county

1 commissioners, county administrators, jail administrators and sheriffs of each county to
2 begin negotiating the terms of the transfer of county jail operations to the State. The
3 parties are authorized to negotiate all terms of the transfer process except the transfer
4 date, which must be July 1, 2020. If by June 1, 2020 the parties have failed to agree on
5 the process, the standard jail operations transfer contract under subsection 2 must be used
6 to facilitate the transfer.

7 **5. Request for state funding.** No later than January 15, 2019, the Commissioner of
8 Administrative and Financial Services and the Commissioner of Corrections shall submit
9 to the joint standing committees of the Legislature having jurisdiction over criminal
10 justice and public safety matters and appropriations and financial affairs proposed
11 legislation requesting the fiscal year 2020-21 and fiscal year 2021-22 funding necessary
12 to implement the contracts negotiated pursuant to subsections 3 and 4. The fiscal year
13 2021-22 funding request must take into consideration the property tax revenue for jail
14 operations provided for in the Maine Revised Statutes, Title 30-A, section 1662,
15 subsection 2.

16 **Sec. 3. Codification of the transfer of county jail facilities and operational**
17 **responsibilities to the Department of Corrections.** The Department of Corrections
18 shall submit proposed legislation during the First Regular Session of the 130th
19 Legislature to the joint standing committee of the Legislature having jurisdiction over
20 criminal justice and public safety matters that transfers all necessary and appropriate jail
21 operations and management statutes in the Maine Revised Statutes, Title 30-A to Title
22 34-A and otherwise establishes the department as the entity responsible for the
23 ownership, management and operations of the State's jails.

24 **SUMMARY**

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