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Date: (Filing No. S-)

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STATE OF MAINE
SENATE
127TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT “ ” to COMMITTEE AMENDMENT “A” to S.P. 61, L.D. 186, Bill, “An Act To Reverse Jail Consolidation”

Amend the amendment in the 3rd paragraph in the 2nd line (page 1, line 16 in amendment) by inserting after the following: "sheriffs" the following: 'and fiscal oversight by the county commissioners'

Amend the amendment in section 2 in subsection 3-A in the last paragraph in the last line (page 2, line 6 in amendment) by inserting after the following: "~~2009.~~" the following: 'Distributions from the fund must be made in accordance with Title 34-A, section 1210-D, subsection 4.'

Amend the amendment in section 15 in §1557-B by striking out all of subsection 3 (page 3, lines 31 to 36 and page 4, lines 1 to 20) and inserting the following:

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

A. The sending jail shall pay to the receiving jail or the Department of Corrections an amount computed per diem per prisoner and agreed upon between the 2 jails or between the jail and the department, except that the amount may not exceed \$108 per diem per prisoner.'

B. The sending jail shall reimburse the receiving jail or the Department of Corrections for any costs incurred in the provision of extraordinary medical or surgical treatment for conditions of the prisoner that existed prior to transfer.'

C. Payment amounts provided for in this subsection may be adjusted or dispensed with upon terms mutually agreeable to the sheriff of the sending jail and the sheriff of the receiving jail or the Department of Corrections.'

Amend the amendment by inserting after section 21 the following:

'Sec. 22. 30-A MRSA §1662 is enacted to read:

SENATE AMENDMENT

1 **§1662. Jail defined**

2 As used in this chapter unless the context otherwise indicates, the term "jail" means a
3 county jail that is in the custody and charge of a sheriff pursuant to section 1501 and a
4 multicounty jail that is the responsibility of a jail authority pursuant to chapter 17.

5 **Sec. 23. 34-A MRSA §1001, sub-§10-B** is enacted to read:

6 **10-B. Jail.** "Jail" means a county jail that is in the custody and charge of a sheriff
7 pursuant to Title 30-A, section 1501 and a multicounty jail that is the responsibility of a
8 jail authority pursuant to Title 30-A, chapter 17.'

9 Amend the amendment in section 23 in §1210-D by striking out all of subsection 4
10 (page 7, lines 11 to 27 in amendment) and inserting the following:

11 **'4. Distribution.** Beginning July 1, 2015 and annually thereafter, the department
12 shall distribute to the counties from the fund amounts based on a formula that is
13 established by rule adopted by the department. Rules adopted pursuant to this subsection
14 are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A. The
15 formula established by rule must rely on data submitted by the jails in a standardized
16 format as required by the department, must be based on the current fiscal year for which
17 data is available and must:

18 A. Calculate the total statewide county jail prisoner days for all jails;

19 B. Assign to each jail the number of county jail prisoner days, based on the number
20 of prisoners imprisoned or detained at the jail plus the number boarded at another jail
21 or at a department correctional facility, but not including federal prisoners;

22 C. By reference to the amount appropriated to the fund pursuant to subsection 1,
23 determine the rate per day per prisoner for each jail; and

24 D. Determine the reimbursement amount for each county based on factors in
25 paragraphs A to C.'

26 Amend the amendment in section 24 by striking out all of subsection 12 (page 7,
27 lines 35 to 40 in amendment) and inserting the following:

28 **'12. County jail funding; multicounty jail funding.** The commissioner shall
29 receive, administer and distribute to the county jails and the multicounty jail funding
30 provided through the General Fund, Other Special Revenue Funds and any federal and
31 grant funds in accordance with section 1210-D and Title 30-A, section 1659-A. The
32 department shall make distributions to each jail during the first 10 days of each calendar
33 quarter as required by section 1210-D and as may be adjusted pursuant to section
34 1208-B, subsection 1, paragraph B.'

35 Amend the amendment in section 29 in §3063-C by striking out all of subsection 3
36 (page 8, lines 30 to 42 and page 9, lines 1 to 8 in amendment) and inserting the following:

37 **'3. Reimbursement.** Reimbursement for the support of a prisoner who is transferred
38 by the Commissioner of Corrections to a jail is subject to the provisions of this
39 subsection.

