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H.P. 853   House of Representatives, March 22, 2021

An Act To Prohibit Excessive Telephone, Video and Commissary Charges in Maine Jails and Prisons

(EMERGENCY)

Received by the Clerk of the House on March 18, 2021. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

ROBERT B. HUNT
Clerk

Presented by Representative KINNEY of Knox.
Cosponsored by Representative: TUCKER of Brunswick.
Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, incarcerated individuals have limited access to the world outside of the correctional facility where they are housed; and

Whereas, access to family, friends, counsel and others outside of the correctional facility and access to services such as video or commissary services are necessary for the mental and physical well-being of incarcerated individuals; and

Whereas, many incarcerated individuals do not have the funds or other means to afford access to people and services or are forced to pay limited and needed funds to pay for access to people or services, with adverse effects on the individuals' mental and physical well-being; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 34-A MRSA §3014 is enacted to read:

§3014. Service charges and contracts

1. Service charges. A detention facility or correctional facility under the jurisdiction of the department, a county or municipal detention facility under section 1208 or another facility under section 1208-A may not accept or receive a commission or income in any form from services provided by an outside provider to a client or impose a surcharge for services provided by an outside provider to a client, including telephone, video or commissary services.

2. Contracts for services. The department shall negotiate a contract for services from an outside provider, including from a telephone, video or commissary provider, on the basis of the lowest cost for the client. A contract for services may not include a connection fee charged to the client and a contract for telephone services may not exceed a rate of 11¢ per minute for domestic, debit, prepaid and collect telephone calls and must allow for a client to receive 2 15-minute telephone calls per week at no charge to the client. A contract negotiated under this subsection must give a county or municipal detention facility under section 1208 and another facility under section 1208-A the option to opt in as a joint party with the department.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This bill prohibits the Department of Corrections, county jails and municipal detention facilities from accepting a commission or charging a fee for the provision of services from an outside provider to incarcerated individuals, including telephone, video and commissary services. This bill also requires the department to negotiate contracts for services, allowing county jails to opt in, at the lowest cost to the client. A contract for services may not include
a connection fee. A contract for telephone services may not exceed a rate of 11¢ per minute and must allow incarcerated individuals to receive 2 15-minute telephone calls per week at no charge.