



128th MAINE LEGISLATURE

SECOND REGULAR SESSION-2018

Legislative Document

No. 1704

H.P. 1184

House of Representatives, December 22, 2017

An Act To Fund the Downeast Correctional Facility

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 19, 2017. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

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

ROBERT B. HUNT
Clerk

Presented by Representative TUELL of East Machias.
Cosponsored by Senator MAKER of Washington and
Representatives: ALLEY of Beals, BICKFORD of Auburn, COREY of Windham, FAY of
Raymond, GATTINE of Westbrook, Speaker GIDEON of Freeport, GROHMAN of Biddeford,
HANDY of Lewiston, HILLIARD of Belgrade, MAREAN of Hollis, NADEAU of Winslow,
PERRY of Calais, PICCHIOTTI of Fairfield, POULIOT of Augusta, STANLEY of Medway,
Senators: CARSON of Cumberland, CYRWAY of Kennebec, DESCHAMBAULT of York,
DIAMOND of Cumberland, DILL of Penobscot, JACKSON of Aroostook, LANGLEY of
Hancock, MASON of Androscoggin, President THIBODEAU of Waldo, VOLK of
Cumberland, WOODSOME of York.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** funding for the Downeast Correctional Facility currently is provided
4 through fiscal year 2017-18; and

5 **Whereas,** the 90-day period may not terminate until after the end of fiscal year
6 2017-18; and

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

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

12 **Sec. 1. Downeast Correctional Facility report.** The Department of
13 Corrections shall submit a report concerning proposed changes to the Downeast
14 Correctional Facility to the joint standing committee of the Legislature having
15 jurisdiction over appropriations and financial affairs and the joint standing committee of
16 the Legislature having jurisdiction over criminal justice and public safety matters no later
17 than April 1, 2019. The report must include detailed plans about any proposed changes
18 concerning the prisoner population at the Downeast Correctional Facility and the related
19 impact on other correctional facilities. The Department of Administrative and Financial
20 Services shall assist in the development of the report including the impact of any change
21 to employee compensation and benefits, an economic and community impact analysis on
22 any community affected by a shift in prisoner population and the proposed use of any
23 surplus property generated by facility closure.

24 **Sec. 2. Continued operation of Downeast Correctional Facility.**
25 Notwithstanding any provision of law to the contrary, the Downeast Correctional Facility
26 must remain open and operational, except that, after submission of the report required by
27 section 1 of this Act, the facility may be closed if legislation approving the closure is
28 enacted into law.

29 **Sec. 3. Appropriations and allocations.** The following appropriations and
30 allocations are made.

31 **CORRECTIONS, DEPARTMENT OF**

32 **Downeast Correctional Facility 0542**

33 Initiative: Provides funds to restore all positions and related All Other costs in order to
34 continue operation of the Downeast Correctional Facility beyond June 30, 2018.

35

36 GENERAL FUND	2017-18	2018-19
37 POSITIONS - LEGISLATIVE COUNT	0.000	51.000
38 Personal Services	\$0	\$4,849,665

1	All Other	\$0	\$596,977
2			
3	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$5,446,642</u>
4			
5	FEDERAL EXPENDITURES FUND	2017-18	2018-19
6	All Other	\$0	\$500
7			
8	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$500</u>
9			
10	OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
11	All Other	\$0	\$32,526
12			
13	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$32,526</u>

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

16 **SUMMARY**

17 This bill requires the Department of Corrections to report concerning proposed
 18 changes to the Downeast Correctional Facility to the joint standing committee of the
 19 Legislature having jurisdiction over appropriations and financial affairs and the joint
 20 standing committee of the Legislature having jurisdiction over criminal justice and public
 21 safety matters no later than April 1, 2019. The report must include detailed plans about
 22 any proposed changes concerning the prisoner population at the Downeast Correctional
 23 Facility. This bill also specifies the report must include the related impact on other
 24 correctional facilities, the impact of any change to employee compensation and benefits,
 25 an economic and community impact analysis on any community affected by a shift in
 26 prisoner population and the proposed use of any surplus property generated by facility
 27 closure.

28 This bill requires the Downeast Correctional Facility to remain open and operational
 29 prior to the submission of the report to the Legislature and permits the closure of the
 30 facility only if legislation approving the closure is enacted into law.

31 This bill provides funds to restore all positions and related All Other costs in order to
 32 continue operation of the Downeast Correctional Facility beyond June 30, 2018.