

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act Regarding the Operation of County Jails and the State Board of Corrections**

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

**Sec. 1. 34-A MRSA §1404, sub-§7** is enacted to read:

**7. Budget review.** The commissioner shall provide the board with the department's adult correctional and adult probation services budget proposals in a timely fashion in order that the board may review the budget proposals prior to making its recommendations to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs.

**Sec. 2. 34-A MRSA §1803, sub-§1**, as enacted by PL 2007, c. 653, Pt. A, §30, is amended to read:

**1. Manage the cost of corrections.** The board shall develop a plan to achieve systemic cost savings and cost avoidance throughout the unified correctional system with the goal of operating efficient correctional services. Additionally, the board shall:

A. Set and enforce a yearly growth limitation for the correctional services expenditures in each county budget under Title 30-A, section 710;

B. Develop reinvestment strategies within the unified correctional system to improve services and reduce recidivism; and

C. Establish boarding rates for the unified correctional system, except boarding rates for federal inmates; and

D. Review department budget proposals affecting adult correctional and adult probation services and submit recommendations regarding these budget proposals to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs.

**Sec. 3. 34-A MRSA §1803, sub-§4**, as enacted by PL 2007, c. 653, Pt. A, §30, is amended to read:

**4. Certificate of need.** The board shall review and may approve any future public or private construction projects. The board shall establish a certificate of need process used for the review and approval of any future public or private capital correctional construction projects; a public or private correctional construction project may not be undertaken unless the board issues a certificate of need in support of the project. The board shall adopt rules governing the procedures relating to the certificate of need process and financing alternatives. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

## **SUMMARY**

This bill makes 2 changes to the laws governing the State Board of Corrections as follows.

1. It requires the Commissioner of Corrections to submit the Department of Corrections' adult correctional and adult probation services budget proposals to the State Board of Corrections and requires the board to review those budget proposals and submit recommendations regarding them to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs.

2. It clarifies that a public or private correctional construction project may not proceed without a certificate of need issued by the board.