



130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 419

H.P. 303

House of Representatives, February 10, 2021

An Act Regarding Participation in Public Works Projects by Pretrial Inmates

Received by the Clerk of the House on February 8, 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.

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

ROBERT B. HUNT
Clerk

Presented by Representative COSTAIN of Plymouth.
Cosponsored by Representatives: PICKETT of Dixfield, RUDNICKI of Fairfield, WARREN of Hallowell.

Date:

(Filing No. H-)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT " " to H.P. 303, L.D. 419, "An Act Regarding Participation in Public Works Projects by Pretrial Inmates"

Amend the bill by striking out the title and substituting the following:

'An Act Regarding Voluntary Participation in Work Projects by Inmates Who Are Pretrial, Presentence and Sentenced'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 30-A MRSA §1606, as amended by PL 2019, c. 113, Pt. C, §80, is further amended to read:

§1606. Prisoner voluntary participation in public works projects and in work projects within the jails

1. Participation Voluntary participation in public works projects authorized. The sheriff in charge of a county jail, or the sheriff of a county that shares a regional jail with other counties, may permit certain inmates of that jail, who have been sentenced, to voluntarily participate in public works-related projects or in the improvement of property owned by charitable organizations in that county or another county. A project or improvement must be supervised by the sheriff of the county in which the project or improvement is being conducted. The sheriff may request payment from charitable organizations for the transportation of the prisoners and for the transportation and per diem compensation for any guards corrections officers who accompany the prisoners. For the purposes of this section, "charitable organization" means any nonprofit organization organized or incorporated in this State or having a principal place of business in this State that is exempt from federal income taxation under the United States Internal Revenue Code of 1986, Section 501(a), because the nonprofit organization is described in the United States Internal Revenue Code of 1986, Section 501(c)(3).

1-B. Voluntary participation in work projects within the jails. The sheriff in charge of a county jail, or the sheriff of a county that shares a regional jail with other counties, may permit certain inmates of that jail who are detained at the jail pretrial or

1 presentence to voluntarily participate in work projects within the jail and on jail property
2 when under supervision and as approved by the sheriff.

3 **2. Sentence prorated.** Inmates participating in a public works-related project or an
4 improvement of property owned by a charitable organization under ~~this section~~ subsection
5 1 may have their sentences to the jail prorated at the rate of up to one day removed from
6 the sentences for every 16 hours of participation in the project, except that inmates
7 committed to the custody of the sheriff for nonpayment of fines under Title 17-A, section
8 1711 must have their sentences prorated at the rate that is applicable to the individual
9 inmate pursuant to Title 17-A, section 1711, subsection 4, paragraph A, subparagraph (1).

10 **3. Participation not deemed employment.** ~~Participation in this type of~~ Voluntary
11 participation in a work project under subsection 1 or 1-B may not be deemed employment
12 under section 1605, subsections 3 to 8.

13 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
14 number to read consecutively.

15 **SUMMARY**

16 This amendment is the majority report of the committee. The amendment replaces the
17 bill and provides a new title, "An Act Regarding Voluntary Participation in Work Projects
18 by Inmates Who Are Pretrial, Presentence and Sentenced." The amendment clarifies that
19 participation in work projects within and outside the jails by inmates of the jails is
20 voluntary. The amendment authorizes participation in work projects by inmates who are
21 pretrial and presentence within the jail and on jail property when under supervision and as
22 approved by the sheriff.



130th MAINE LEGISLATURE

LD 419

LR 501(02)

An Act Regarding Participation in Public Works Projects by Pretrial Inmates

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Criminal Justice and Public Safety

Fiscal Note Required: No

Fiscal Note

No fiscal impact

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Date: (Filing No. H-)

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130TH LEGISLATURE
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Amend the bill by striking out the title and substituting the following:

'An Act Regarding Voluntary Participation in Work Projects by Inmates Who Are Pretrial, Presentence and Sentenced'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 30-A MRSA §1606, as amended by PL 2019, c. 113, Pt. C, §80, is further amended to read:

§1606. Prisoner voluntary participation in public works projects and in work projects within the jails

1. ~~Participation~~ Voluntary participation in public works projects authorized. The sheriff in charge of a county jail, or the sheriff of a county that shares a regional jail with other counties, may permit certain inmates of that jail who have been sentenced, to voluntarily participate in public works-related projects or in the improvement of property owned by charitable organizations in that county or another county. A project or improvement must be supervised by the sheriff of the county in which the project or improvement is being conducted. The sheriff may request payment from charitable organizations for the transportation of the prisoners and for the transportation and per diem compensation for any guards corrections officers who accompany the prisoners. For the purposes of this section, "charitable organization" means any nonprofit organization organized or incorporated in this State or having a principal place of business in this State that is exempt from federal income taxation under the United States Internal Revenue Code of 1986, Section 501(a). because the nonprofit organization is described in the United States Internal Revenue Code of 1986, Section 501(c)(3).

I-B. Voluntary participation in work projects within the jails. The sheriff in charge of a county jail, or the sheriff of a county that shares a regional jail with other

COMMITTEE AMENDMENT

1 counties, may permit certain inmates of that jail who are detained at the jail pretrial or
2 presentence to voluntarily participate in work projects within the jail.

3 **2. Sentence prorated.** Inmates participating in a public works-related project or an
4 improvement of property owned by a charitable organization under ~~this section~~ subsection
5 1 may have their sentences to the jail prorated at the rate of up to one day removed from
6 the sentences for every 16 hours of participation in the project, except that inmates
7 committed to the custody of the sheriff for nonpayment of fines under Title 17-A, section
8 1711 must have their sentences prorated at the rate that is applicable to the individual
9 inmate pursuant to Title 17-A, section 1711, subsection 4, paragraph A, subparagraph (1).

10 **3. Participation not deemed employment.** ~~Participation in this type of~~ Voluntary
11 participation in a work project under subsection 1 or 1-B may not be deemed employment
12 under section 1605, subsections 3 to 8.

13 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
14 number to read consecutively.

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SUMMARY

16 This amendment is the minority report of the committee. The amendment replaces the
17 bill and provides a new title, "An Act Regarding Voluntary Participation in Work Projects
18 by Inmates Who Are Pretrial, Presentence and Sentenced." The amendment clarifies that
19 participation in work projects within and outside the jails by inmates of the jails is
20 voluntary. The amendment authorizes participation in work projects within the jail by
21 inmates who are pretrial and presentence.



130th MAINE LEGISLATURE

LD 419

LR 501(03)

An Act Regarding Participation in Public Works Projects by Pretrial Inmates

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Criminal Justice and Public Safety

Fiscal Note Required: No

Fiscal Note

No fiscal impact