

Accompanying the twenty-sixth recommendation of the Executive Office of Public Safety (House, No. 209). Human Services and Elderly Affairs.

---

---

**The Commonwealth of Massachusetts**

---

In the Year One Thousand Nine Hundred and Ninety-Two.

---

AN ACT INCREASING THE MAINTENANCE ASSESSMENT CURRENTLY LEVIED ON INMATES PARTICIPATING IN THE WORK RELEASE PROGRAMS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 49 of chapter 127 of the General Laws  
2 as appearing in the 1990 Official Edition is hereby amended by  
3 inserting after the last sentence of the last paragraph the  
4 following: — An inmate and his employer shall agree to deliver  
5 his total earnings, minus tax and similar deductions to the  
6 superintendent. At no time shall any inmate personally receive any  
7 monies or the like from his employer. The superintendent shall  
8 deduct from the earnings delivered to him the following:

9 First, an amount determined by the commissioner for  
10 substantial reimbursement to the commonwealth for the expense  
11 of providing food, lodging, clothing and like services for such  
12 inmate; second, an amount determined by the commissioner to  
13 be applied to the Massachusetts Correctional Education,  
14 Vocation and Substance Abuse Trust Fund; third, an amount for  
15 the repayment of any cash advance owing; fourth, an amount for  
16 the support of the inmate's spouse and children as ordered by the  
17 court; fifth, an amount established for family support in  
18 consultation with the department of public welfare; sixth, an  
19 amount for voluntary payments for family allotments or other  
20 purposes as approved by the superintendent; any balance  
21 remaining thereafter shall be apportioned pursuant to sec-  
22 tion 48A.

1 SECTION 2. There is hereby established and set up on the  
2 books of the commonwealth a separate fund to be known as the  
3 Massachusetts Correctional Education, Vocation, and Substance  
4 Abuse Trust Fund, consisting of all funds so appropriated  
5 pursuant to Section 1. The commissioner of correction shall serve  
6 as the trustee of the trust fund which shall be administered for  
7 the sole benefit of the educational, vocational, and substance  
8 abuse programs serving those committed to the custody of the  
9 department of correction.

1 SECTION 3. There shall be an advisory board for the trust  
2 established pursuant to section one of this act which shall be  
3 comprised of the secretary of public safety or his designee, the  
4 secretary of administration and finance or his designee, the  
5 chairperson of the senate committee on ways and means or his  
6 designee, the chairperson of the house committee on ways and  
7 means or his designee, the associate commissioner of correction  
8 for programs and treatment, the associate commissioner of  
9 correction for administration, all members to serve ex officio.

10 The advisory board, by majority vote, shall elect annually its  
11 own chairman and such other officers as it deems necessary from  
12 among the members.

13 The advisory board shall serve without compensation, although  
14 the commonwealth may reimburse them for any necessary  
15 expenses incurred in the performance of their duties.

16 The purpose of the advisory board for the trust shall be to  
17 recommend to the commissioner, for his consideration,  
18 expenditures which it has determined to be beneficial to the  
19 educational, vocational, and substance abuse programs serving  
20 those committed to the custody of the department of correction.

1 SECTION 4. The state treasurer shall receive those funds  
2 collected pursuant to section 1 which are to be applied to the  
3 Massachusetts Correctional Education, Vocation, and Substance  
4 Abuse Trust Fund and deposit the same into said trust fund. Upon  
5 the request of the trustee, the state treasurer shall pay out the  
6 income of said trust fund and such part of the principal as may  
7 be subject to the control of the trustee in such manner as the trustee  
8 may direct, subject to any condition affecting the administration  
9 thereof. The trust fund shall be invested safely by the state

10 treasurer and he shall be held responsible for the faithful  
11 management of the same in the same manner as for other funds  
12 held by him in his official capacity.

1 SECTION 5. Expenditures from the trust shall be for the  
2 support of the educational, vocational, and substance abuse  
3 programs serving those committed to the custody of the  
4 department of correction.

5 The commissioner shall submit annually a report on the  
6 activities of the trust to the clerk of the house of representatives,  
7 who shall forward copies of said report to the house and senate  
8 committees on ways and means, and to the committee on state  
9 administration.

1 SECTION 6. The income, including but not limited to interest  
2 from deposit or investment from money in said trust fund shall  
3 be added to the principal and shall, for the purposes of this  
4 chapter, be deemed money from the trust fund.

5 No person shall withdraw or cause to be withdrawn, or expend  
6 or cause to be expended, any money from said trust fund except  
7 in accordance with the purpose of the trust fund. No person shall  
8 transfer or cause to be transferred any money from said trust fund  
9 to any other trust fund, trust deposit or revolving fund.

10 No person shall enter into any contract, incur any other  
11 obligation or cause to be performed any service payable wholly  
12 or in part from said trust fund nor expend any money from said  
13 trust fund unless all applicable general or special laws regarding  
14 the award of contracts are adhered to and complied with.

15 No person shall expend or cause to be expended any money  
16 from said trust fund to provide for or supplement the  
17 compensation of any state employee unless such expenditures  
18 have been expressly authorized by general or special law. No  
19 expenditure shall be made pursuant to such authorization prior  
20 to the date upon which the following information has been filed  
21 with the department of personnel administration and a copy of  
22 the same has been filed with the house and senate committees on  
23 ways and means; the employee's name, job title, and classification;  
24 the source and amount of the employee's annual salary payable  
25 from moneys other than from said trust fund and the forms and  
26 amounts of compensation payable from said trust fund.

