



Maine County Commissioners Association

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LD 210, Biennial Budget, County Jail Operations Fund, Account Z227 (p.A-149)

February 4, 2025

Chair Rotundo, Chair Gattine, and members of the Appropriations and Financial Affairs Committee; Chair Beebe-Center, Chair Hasenfus, and members of the Criminal Justice and Public Safety Committee, my name is Andre Cushing and in addition to serving as a member of the board of commissioners for Penobscot County, I am writing today in my role as President of the Maine County Commissioners Association. We appreciate the opportunity to provide testimony to the Committees in reference to the Governor’s Biennial Budget regarding the County Jail Operating Fund set forth on page A-149 of the Budget (account Z227).

Summary. At a high level, we are requesting that the Legislature fund county jails based on the budget recommendation of the *County Corrections Professional Standards Council*, which is a legislatively created council with the statutory duty of making recommendations to the Governor regarding the County Jail Operating Fund. More specifically, we are urging the Legislature not only to adopt the amounts proposed in the Budget of \$20.4 million per year as required by statute in 34-A M.R.S § 1210-E(2), plus \$4 million per year to address statutorily mandated services associated with medication assisted treatment (MAT) in 34-A M.R.S. § 1208-B(4), but also an additional **\$9,583,191** for **FY26** and **\$10,345,935** for **FY27** as recommended by the Standards Council in its formal budget request to the Governor to cover a portion of mandated jail expenses related to healthcare and substance use disorder treatment. Our Budget request is more fully outlined in the table below:

Proposed Appropriation in Governor’s Budget	FY 26	FY 27
Required statutory appropriation	\$20.4 million	\$20.4 million
Additional Appropriation for MAT	\$4 million	\$4 million
TOTAL in Budget	\$24.4 million	\$24.4 million

Budget Request of Standards Council		
Annual appropriation directed by statute	\$20.4 million	\$20.4 million
Unfunded healthcare and MAT mandates	\$13.6 million	\$14.3 million
TOTAL Request	\$34 million	\$ 34.7 million
SHORTFALL (ADDITIONAL FUNDING REQUESTED)	\$9.6 million	\$ 10.3 million

County jails primarily serve the State of Maine. County jails are operated and funded by county government, which is in turn funded by local property taxes. However, those incarcerated in county jails are predominantly there due to the state’s criminal justice system over which counties have limited control. As noted in the attached diagram illustrating the steps along the path of Maine’s criminal justice system (Attachment A), nearly every step along the way from arrest through sentencing is driven by state law and state courts as well as arrests by state police and prosecutions from the state Office of Attorney General.

- **Criminal Code:** The Maine Legislature controls what activities are deemed criminal, driving the scope and frequency of arrests and ultimately incarceration.
- **Decision to arrest.** Law enforcement agencies control whether to arrest an individual and incarcerate them. County sheriffs are responsible for some of these arrests, but the state police and municipal police officers are responsible for the remainder of arrests.

Comments of MCCA re LD 210, County Jail Operating Fund

February 4, 2025

Page 2

- **Decision to pursue charges.** Prosecutors control whether to charge an individual with a crime. Some of those prosecutors are on the county level, and some are through the Maine Office of Attorney General. In either instance, prosecutors are following state law regarding activities considered criminal.
- **Pretrial detention.** When a defendant is awaiting trial, prosecutors have a say in whether to allow a defendant to be released pending bail, and courts ultimately decide whether to allow such release. 90% of all county jail inmates are pretrial.
- **Indigent legal defense.** Increasingly, individuals are remaining housed in county jails awaiting trial because they do not have access to counsel, which is a requirement of the Constitution. When the State of Maine fails to adequately fund indigent legal defense, county jails end up housing more individuals at greater expense.
- **Sentencing.** State law requires that sentences less than 9 months be served in a county jail, even where there are multiple consecutive sentences where each is less than 9 months. State law also defines the potential length of incarceration for a crime, and state courts determine the actual length of a sentence.
- **Operating standards with jails.** State statute and rules of the Commissioner of Corrections establish the minimum standards county jails must follow with respect to incarceration. This includes standards related to physical and mental health treatment, substance use disorder treatment, staffing, access to counsel and visitation, transportation, and a range of other requirements. 75% of individuals in county jail have a behavioral health disorder, and 60% have a substance use disorder.

The current system of county jail incarceration was supposed to come with state support, which has not been fully realized. As noted above, county jails house individuals convicted of crimes with sentences under 9 months, including consecutive sentences where no one sentence exceeds 9 months. This system was established in the late 1980s to help relieve overcrowding in the state prison system as recommended by the Governor’s Blue Ribbon Commission on Corrections in its December 1985 Report (see [Attachment B](#)). That Commission was formed to address overcrowding in the state prison system, and after extensive review, the Commission recommended that sentences under 9 months involve county incarceration to be paid for by the State of Maine through a per diem charge per individual. The report recommended that “a uniform rate of reimbursement established and reviewed annually by the D.O.C. [should] be paid to the counties, to be placed into a jail account, for all such sentenced offenders confined to their facilities.” *Report at p. 16*. Ultimately, the law was modified to house individuals with sentences under 9 months into county jail, but the per diem compensation charges are not currently in place.

Unfunded mandates. Under Maine’s constitution, when state laws or rules impose costs on a unit of government, the state is responsible for 90% of the costs unless otherwise approved by both houses of the Maine Legislature with a 2/3 vote. Currently, county jails are mandated to provide a wide range of services to individuals who are incarcerated, and state law determines when an individual should be housed in a county jail. Most if not all of these requirements were not approved by the required 2/3 vote of each house of the Legislature – recognizing that some of the requirements may be a function of constitutional requirements or standards adopted prior to the addition of the mandate clause to the Maine Constitution.

In recent history, the State has funded about 20% of county jail operating costs, which is insufficient.

Over the last five years, the State has provided funding for about 20% of county jail operating costs:

	FY20	FY21	FY22	FY23	FY24	FY25	FY26	FY27
County Jail Operating Costs	\$90.6M	\$90.8M	\$97.6M	\$108M	\$115.5M	\$127.2M ¹	\$132.3M ²	\$137.6M ³
State Funding	\$18.5M	\$18.5M	\$20.4M	\$20.4M	\$20.4M	\$24.4M	\$24.4M	\$24.4M
State Funding %	20%	20%	20%	18%	17%	19%	18%	17%

¹ This figure is based on FY25 budget projections.

² This is an estimated figure based on a 4% increase from FY 25 operating costs.

³ This is an estimated figure based on a 4% increase from estimated FY 26 operating costs.

Comments of MCCA re LD 210, County Jail Operating Fund

February 4, 2025

Page 3

This base level of state support is critical, but not enough to cover the portion of county jail operations that support and is controlled by state government. When state support fails to meet the cost of operations for which it is largely responsible, the remainder of the burden falls on local property taxpayers who fund county operations.

In December 2024, the County Corrections Professional Standards Council recommended that state support for county jails meet a greater percentage of county jail operating costs. This Budget falls short of the Council's request by nearly \$20M over the biennium. The County Corrections Professional Standards Council is a legislatively created body established in 2021, in part, to develop budget recommendations for the Department of Corrections and the Governor as part of the biennial budget process. The Council is comprised of two county commissioners, two sheriffs, the Commissioner of Corrections, a designee of the Commissioner, and a representative from the Maine Municipal Association. This fall, after seeking and receiving detailed budget and expenditure data from all 16 counties, the Council recommended that the State's contribution to county jails should cover the minimum amount set by statute (\$20.4M) plus additional funding for State mandates imposed on jails for inmate health care, mental health services, and MAT. For FY26, that amount is \$13.6M, and for FY27 that amount is \$14.3M. Notably, these amounts reflect only a portion to the costs of county jails tied to State directives and services provided to the State. These amounts are reflected in the table provided above, including the shortfall between the proposed budget and the amounts requested by the Council. MCCA is asking the Legislature to fully fund the budget request of the Council, which would translate into additional funding beyond what is in the Governor's proposed budget.

ARPA funds are not available to meet the identified shortfall in state funding for county jails. In recent years, questions have been asked of the counties regarding how they allocated funds received from the American Rescue Plan Act (ARPA) and whether such funds could be used to for jail operations. The short answer is that ARPA funds cannot be used to supplant spending on jail operations. That said, it is important to note that counties have made very good use of their ARPA funding, including to address county needs related to substance use disorder, public health, the needs of incarcerated individuals, and other important public needs. A memorandum prepared in May 2023 outlining these expenditures is attached to this testimony ([Attachment C](#)).

County jails have worked to find efficiencies and operational savings. Periodically, counties are asked whether there are opportunities to reduce operating costs by finding more ways for jails to cooperate or find other efficiencies. In this regard, counties have looked for ways to find efficiencies and collaborate in a number of areas as noted in the attached memorandum ([Attachment D](#)). And counties hope to find other opportunities to collaborate and look forward to working with the Department of Corrections on such opportunities through the Professional Standards Council.

Conclusion. We appreciate the opportunity to provide testimony on this bill. As noted, we ask the Legislature to fund the County Jail Operating Fund at the level requested by the County Corrections Professional Standards Council which would result in additional funding of **\$9,583,191** for **FY26** and **\$10,345,935** for **FY27**. Thank you, and if you have questions or need additional information, please do not hesitate to let us know.

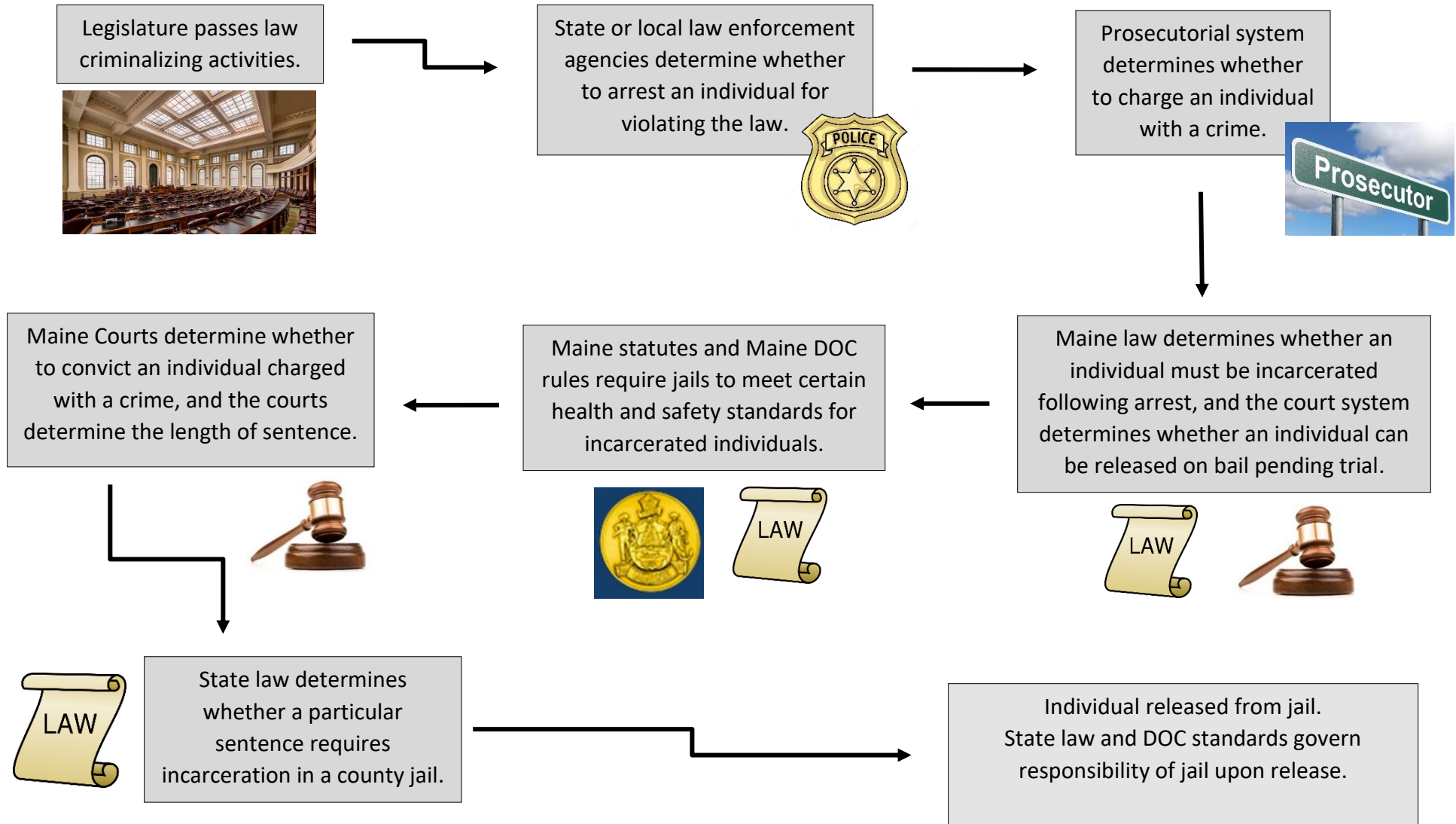
Respectfully submitted,

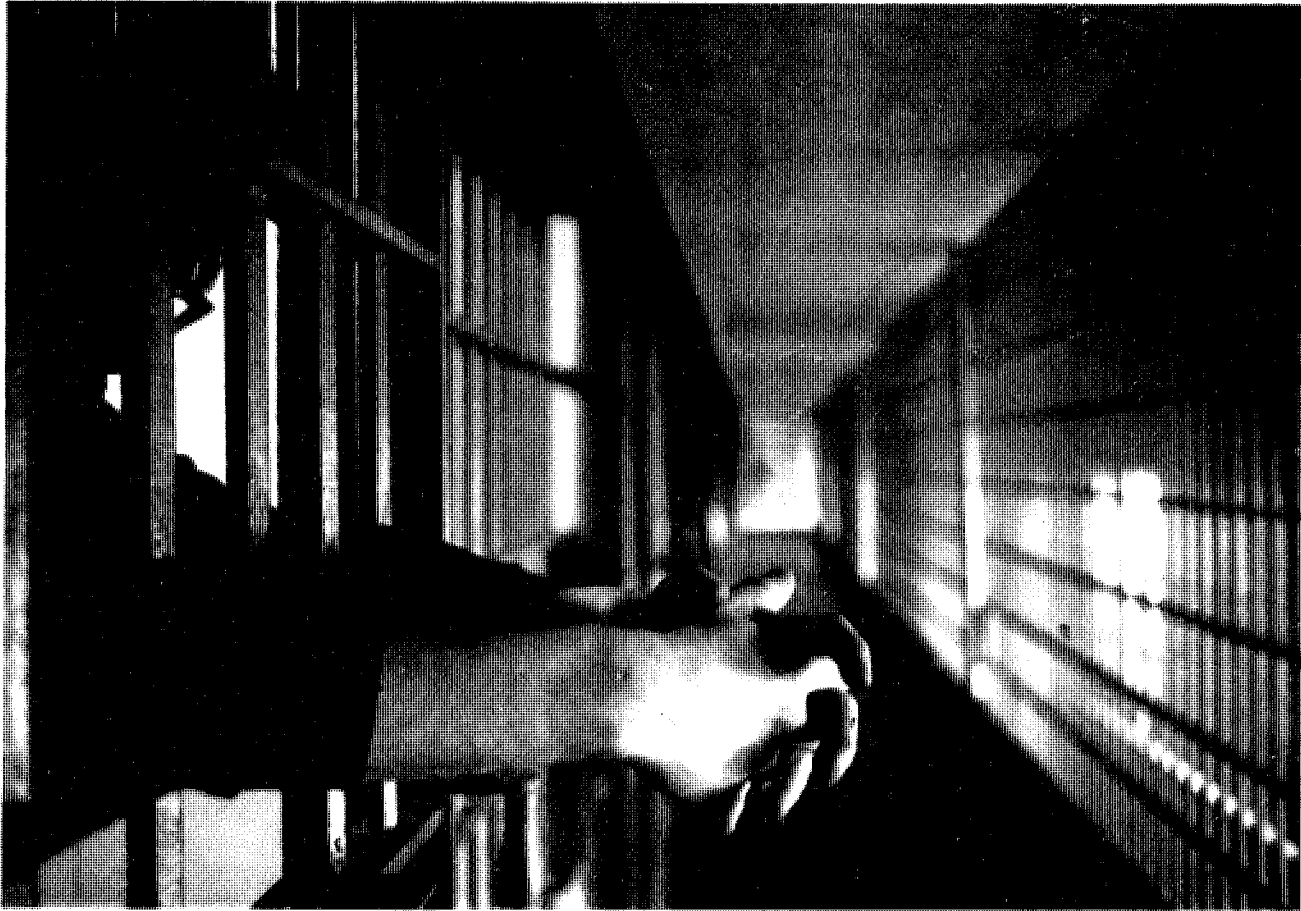


Cc: James I. Cohen, Verrill Dana, LLP, MCCA Legislative Counsel



THE COST OF INCARCERATION IN COUNTY JAILS: A TIMELINE





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CORRECTIONS IN CRISIS

ATTACHMENT B

CORRECTIONS IN CRISIS

REPORT OF THE GOVERNOR'S
BLUE RIBBON COMMISSION
ON CORRECTIONS

December 1985

ATTACHMENT B

Honorable Joseph E. Brennan
Governor
State House
Augusta, Maine 04333



Dear Governor Brennan:

On behalf of your Blue Ribbon Commission on Corrections I am privileged to submit the following report on the state of Correctional Services in Maine. Though not all members of our Commission agreed with every one of the recommendations, each recommendation has the support of a majority of the members. In reaching its conclusions the Commission profited from its tours of all of the facilities of the Department of Corrections; and from the testimony presented by interested citizens at public hearings in Bangor, Presque Isle, and Auburn. Our work could not have been accomplished without the cooperation of the staff of the Department of Corrections, the time and unselfish dedication of the Commission members, and the efforts and skills of our Executive Director.

The Commission members have been encouraged throughout by the constant expression of interest and support that you and your staff have given us.

It is our sincere hope that the following report and recommendations will provide useful guidance and constructive responses to the difficult problems now faced by the Department of Corrections.

On behalf of the Commission I wish to express our appreciation for the opportunity to contribute to Maine's efforts to deal with its burgeoning correctional population. We believe that implementation of our recommendations will require a special effort to deal with long neglected problems. However, we are convinced that these measures will provide both cost effective and successful solutions in the long run.

Sincerely yours,

A handwritten signature in cursive script that reads "Lloyd Ohlin".

Lloyd Ohlin, Ph.D.

ATTACHMENT B

The Governor's Blue Ribbon Commission on Corrections

Lloyd Ohlin, Ph.D., Chairman
Milbridge, Maine

Francis Jackson, Esquire
Westbrook, Maine

Marguerite Brunette, Executive Director
Augusta, Maine

Honorable Peter J. Manning
Maine State Representative
Portland, Maine

Honorable Donald Alexander
Justice, Superior Court
Augusta, Maine

George McNeil, M.D.
Portland, Maine

Commissioner Donald Allen
Department of Corrections
Augusta, Maine

District Attorney Janet T. Mills
Auburn, Maine

Honorable Jean Chalmers
Maine State Senator
Rockland, Maine

Joseph Moran
Vice President, Central Maine Power Company
Waterville, Maine

Honorable Roland Cole
Judge, District Court
Wells, Maine

Father Frank Murray
Portland, Maine

Sandra H. Collier, Esquire
Ellsworth, Maine

Hugh Phillips, Ph. D.
University of Maine at Presque Isle
Presque Isle, Maine

Sheriff Alton Howe
South Paris, Maine

Charles Sharpe
Portland, Maine

ATTACHMENT B
TABLE OF CONTENTS

PREAMBLE.....	2
SUMMARY OF RECOMMENDATIONS.....	16
A. COMMUNITY CORRECTIONS RECOMMENDATIONS.....	28
1. State Reimbursement to Counties.....	30
2. Probation and Staff Workload.....	33
3. Offices at Correctional Institutions and Pre-release Centers.....	35
4. Workers Compensation Amendment.....	35
5. Purchase Service Funds.....	36
6. Evaluations for Juvenile Offenders.....	37
B. SENTENCING RECOMMENDATIONS.....	40
7. Changes in Probation Terms.....	40
8. Post Release Supervision.....	41
9. Change in Murder Statute.....	41
10. Youth Aid Officers for Courts.....	42
11. Sentencing Guidelines Commission.....	42
12. Intensive Supervision Program.....	43
13. Board of Community Placements.....	45
C. CORRECTIONAL MANAGEMENT RECOMMENDATIONS.....	48
14. Central Office Organization.....	49
15. Classification.....	52
16. Information Development and Management Research.....	54
17. Institutional Programs.....	56
18. Paid Work for Inmates.....	57
19. Industrial Programs.....	59
20. Medical Needs.....	59
21. Services for Mental Health Intervention.....	60
22. Staff Training.....	61
23. Criminal Justice Advisory Commission.....	62
D. SELECTED LEGISLATIVE ISSUES.....	63
24. Joint Legislative Committee on Corrections.....	63
25. Legislative Impact Statement.....	64
E. CONCLUSION.....	65



SUMMARY OF RECOMMENDATIONS

"The system has to create makeshift housing for over 300 inmates... In the prison at Thomaston, double celling is even taking place in the segregation unit."

SUMMARY OF RECOMMENDATIONS

To facilitate its work, the Commission divided into seven subcommittees which allowed time for more intensive study of correctional issues, that would have been impossible for the group as a whole. Our recommendations, and the following text, have fallen into four categories 1) Community Corrections, 2) Sentencing, 3) Correctional Management, and 4) Selected Legislative Issues.

The page number indicated with each recommendation corresponds to the supporting argument provided in the text.

RECOMMENDATION 1. STATE REIMBURSEMENT TO COUNTIES (page 30)

THE COMMISSION RECOMMENDS THAT THOSE SENTENCED TO CONFINEMENT FOR LESS THAN ONE YEAR, EXCLUDING ANY PERIOD OF PROBATION, BE COMMITTED TO SERVE THAT TERM IN FACILITIES ESTABLISHED BY THE COUNTY. A UNIFORM RATE OF REIMBURSEMENT ESTABLISHED AND REVIEWED ANNUALLY BY THE D.O.C. WOULD BE PAID TO THE COUNTIES, TO BE PLACED INTO A JAIL ACCOUNT, FOR ALL SUCH SENTENCED OFFENDERS CONFINED IN THEIR FACILITIES, SUBJECT TO THE FOLLOWING CONDITIONS.

A) THE RATE OF REIMBURSEMENT SHALL REFLECT ONLY THE ADDITIONAL COST OF CONFINEMENT OF SENTENCED PRISONERS EXCLUDING THE DIRECT AND INDIRECT COST TO THE COUNTY OF MAINTAINING PRE-TRIAL DETENTION FACILITIES AND SERVICES.

ATTACHMENT B

B) THE JUDGE MAY ORDER THE OFFENDER TO REIMBURSE THE STATE FOR THE COST OF HIS CONFINEMENT BASED ON THE OFFENDERS ABILITY TO PAY, AND SUBJECT TO A PRIORITY OF PAYMENTS WHICH PLACES FIRST-RESTITUTION, SECOND REIMBURSEMENT, AND THIRD FINES.

C) THE D.O.C. SHALL HAVE THE RESPONSIBILITY FOR DEVELOPING STANDARDS FOR THE OPERATION OF FACILITIES AND PROGRAMS FOR SENTENCED OFFENDERS AND MONITORING COMPLIANCE WITH THESE STANDARDS.

D) THE COMMISSION RECOMMENDS THAT STATE REIMBURSEMENT FOR SENTENCED PRISONERS ALSO BE USED TO ESTABLISH AND REIMBURSE HALFWAY HOUSES, GROUP HOMES, THERAPEUTIC GROUP HOMES, AND RESIDENTIAL TREATMENT FACILITIES FOR MULTIPLE OFFENDER GROUPS, INCLUDING DRUG, ALCOHOL AND SEX OFFENDERS, BOTH JUVENILES AND ADULTS.

RECOMMENDATION 2. PROBATION STAFF AND WORKLOAD (page 33)

THE COMMISSION RECOMMENDS THAT SUFFICIENT PROBATION OFFICERS AND SUPPORTING STAFF BE ADDED TO THE DIVISION OF COMMUNITY PROGRAMS TO MAINTAIN A CASELOAD AVERAGE OF 60 PROBATIONERS PER OFFICER.

A) THE COMMISSION URGES THE DEPARTMENT TO DEVELOP A FORMULA THAT FULLY TAKES ACCOUNT OF WORKLOAD RESPONSIBILITIES OF THE PROBATION STAFF IN ADDITION TO THE SUPERVISION OF PROBATIONERS.

RECOMMENDATION 3. OFFICES AT CORRECTIONAL INSTITUTIONS AND PRE-RELEASE CENTERS (page 35)

THE COMMISSION RECOMMENDS THAT THE DIVISION OF COMMUNITY PROGRAMS SHOULD ESTABLISH AN OFFICE AT EACH PRE-RELEASE CENTER AND INSTITUTION IN ORDER TO BETTER ASSIST INMATES IN FINDING JOBS, RESIDENCES, AND TO HELP WITH OTHER PROGRAMMING NEEDS.



COMMUNITY CORRECTIONS RECOMMEDATIONS

"Continued or renewed support by families for incarcerated offenders is the best indication discovered in research studies for success after release. Confinement in the county rather than a remote state institution will help sustain or renew such relationships."

COMMUNITY CORRECTIONS RECOMMENDATIONS

Confinement of offenders in the Maine State Prison at Thomaston, the Maine Correctional Center at Windham or the Maine Youth Center at South Portland are the most expensive forms of punishment for adult criminals or juvenile delinquents. Current D.O.C. estimates set the yearly cost per inmate at \$18,000 for the Prison, \$16,000 for the Correctional Center and \$25,000 for the Youth Center. The costs reflect the varying levels of security required and professional services available. The increasing public demand and reliance on imprisonment as the primary sanction for offenders is undoubtedly the most costly policy to pursue. If this continues at the current rate, there will be no alternative but an enormously costly building program to house those committed.

Maine is now at a critical juncture in determining the future direction of correctional policy. It is essential that the public, the legislature, the Executive Branch and the various agencies comprising the criminal justice system fully appreciate the cost and

significance of the choices now being made in trying to control crime. Current statistics indicate that about 20 percent of the crimes known to the police are cleared by arrest and there are 4 commitments to prison for every 100 serious crimes reported to the police. Research indicates that the deterrent effect of punishments depends more on certainty and swiftness than severity. If the penalties are neither swift nor certain, not much is gained by increasing severity. Yet increased severity of sentence is the current direction of our criminal policy. The principal benefit we can hope to gain is the prolonged incapacitation of offenders who would be unable to commit further crime while confined. But given the cost of prison confinement, this is a measure which should be reserved for the serious and violent offenders from whom we most need protection.

With this view in mind the Commission was surprised to discover the number of offenders sentenced and serving less than a year in the custodial facilities of the Department of Corrections. In a 25 percent sample of admissions to the Prison and the Correctional

ATTACHMENT B

Center from 1980 to 1985, almost half (47.2 percent) had been sentenced to serve one year or less. In fact, in this sample, 21.5 percent had sentences of six months or less. When actual time served, with good time allowances, is considered, 55.2 percent are released within a year and nearly half of these (47 percent) stay six months or less.⁵

Sentences of less than a year are normally served in local jails or treatment centers. In Maine there has been a practice of committing misdemeanants, age 18 to 26, to the Maine Correctional Center. In recent years the idea of "shock probation", involving a short prison term followed by probation, gained support. The courts were authorized to give a split sentence (part confinement and part probation) and commitment to the D.O.C. for this purpose. Despite the failure of research to find evidence of the effectiveness of "shock probation", the practice has continued and expanded in Maine for two apparently unrelated reasons. In a number of counties where local facilities of confinement were inadequate, the judge preferred to commit to the D.O.C. This also served to pass the cost of confinement onto the State.

In other cases the unavailability of treatment resources at the county level as compared to the state served to justify such commitments. The recent expansion of split sentences, however, appears to be related more to the effort of the courts to provide for a period of supervision after confinement as a substitute for parole.

State Reimbursement to Counties

It is the view of the Commission that the responsibility for the short term confinement of less serious offenders sentenced to less than a year should become a responsibility of the counties. It is simply poor correctional policy to consume our most expensive correctional resources for such offenders when much less costly alternatives can be developed at the local level. The Commission recognizes that the revenues from the property tax could not support this increased burden and, therefore, proposes the state reimbursement of the county for its care of sentenced prisoners. In fact, the proposal would provide some property tax relief since state reimbursement for sentenced prisoners now confined in county jails at county expense should prove an inducement to participation in the program to furnish adequate facilities of various types for different categories of short term sentenced offenders. The advantage at the state level would be the cost savings in utilization of county facilities rather than the more expensive state institutional placements. This proposal would

not only provide financial relief to the counties for sentenced prisoners but would help achieve very important correctional objectives.

Continued or renewed support by families for incarcerated offenders is the best indicator discovered in research studies for success after release. Confinement in the county rather than in a remote state institution will help sustain or renew such relationships. Keeping less serious offenders close to home where the precipitating problems can be worked out makes sense also for those needing alcohol or drug treatment, work-study, work release, or involvement in restitution or community placement programs. All of these programs impose penalties and restrictions of movement and obligations that are able to provide community protection against crime, as well as community supported solutions for local problems.

RECOMMENDATION 1. STATE REIMBURSEMENT TO COUNTIES

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A) THE RATE OF REIMBURSEMENT SHALL REFLECT ONLY THE ADDITIONAL COST OF CONFINEMENT OF SENTENCED PRISONERS EXCLUDING THE DIRECT AND INDIRECT COST TO THE COUNTY OF MAINTAINING PRE-TRIAL DETENTION FACILITIES AND SERVICES.

B) THE JUDGE MAY ORDER THE OFFENDER TO REIMBURSE THE STATE FOR THE COST OF HIS CONFINEMENT BASED ON THE OFFENDERS ABILITY TO PAY, AND SUBJECT TO A PRIORITY OF PAYMENTS WHICH PLACES FIRST-RESTITUTION, SECOND REIMBURSEMENT, AND THIRD FINES.

C) THE D.O.C. SHALL HAVE THE RESPONSIBILITY FOR DEVELOPING STANDARDS FOR THE OPERATION OF FACILITIES AND PROGRAMS FOR SENTENCED OFFENDERS AND MONITORING COMPLIANCE WITH THESE STANDARDS.

D) THE COMMISSION RECOMMENDS THAT STATE REIMBURSEMENT FOR SENTENCED PRISONERS ALSO BE USED TO ESTABLISH AND REIMBURSE HALFWAY HOUSES, GROUP HOMES, THERAPEUTIC GROUP HOMES, AND RESIDENTIAL TREATMENT FACILITIES FOR MULTIPLE OFFENDER GROUPS, INCLUDING DRUG, ALCOHOL AND SEX OFFENDERS, BOTH JUVENILES AND ADULTS.

The Commission proposes that a uniform rate be established by D.O.C. on an annual basis and that this payment should go into a designated jail account. This would ensure the availability of funds to maintain standards for facilities and programs. The Commission views the pre-trial detention of offenders as a distinctly local responsibility and proposes to reimburse the county only for the added burden of sentenced prisoners. The State in turn may receive reimbursement of costs from sentenced prisoners who are able to pay.

ATTACHMENT B

The Commission also recognizes that the State is already housing some of its prisoners in local jails with reimbursement and that not only the prisons but the jails are full. However, in order to meet standards of jail operations many counties have voted bond issues to reconstruct or renovate their jails. These renovations are usually providing for expansion possibilities which could be undertaken with state assistance or the potential of state reimbursement for space used by sentenced prisoners. In addition, the recommendation contemplates that local authorities could establish, or purchase from the private sector, housing for many minor offenders in half-way houses, group homes, and residential treatment facilities. This would result in the gradual development of a network of community based resources to deal with local crime and delinquency problems that are likely to be more successfully dealt with there than in some remote state facility.

In short, this recommendation proposes a gradual redistribution of the correctional problem so that less serious offenders are dealt with at the local level and long term offenders requiring secure confinement at the state level. This will be a cost-saving measure in the long run and should lead to the reduction of overcrowding at the state level depending how quickly some counties are able to expand their facilities for sentenced prisoners, including those confined for operating under the influence (OUI).

Estimates of the cost of such a program to the State and the potential impact on county facilities and population capacity were furnished by the D.O.C. at the request of the Commission and are detailed in Appendix A. When good time allowances are taken into account the estimated annual cost would be 5.8 million dollars. Based on a state population of 1200 inmates about 560 or 46.6 percent would be diverted to the counties. The savings to the State in avoiding the cost of new facilities as well as the cost of maintaining these inmates in state facilities would obviously provide a

substantial off-set to the county reimbursements. In the view of the Commission this is the most important recommendation it is able to make toward both short term and long term management of the overcrowding problem at state correctional facilities. From the standpoint of correctional policy it offers the opportunity of making the most cost-effective use of state and county correctional resources and future capabilities.

Probation Staff and Workload

At both the state and local level the present Division of Probation and Parole in the D.O.C. provides community correctional supervision and program services. It is currently severely understaffed in dealing with its assigned responsibilities. Its basic mission is to supervise offenders placed directly on probation by the courts or following a term of imprisonment under the split sentence provision. Caseloads are rising steadily.

The total number of cases now under probationary supervision exceeds 5500, and averages 100 cases per officer for adults and closer to 50 for juvenile caseworkers. The caseloads will continue to increase as more of the prisoners recently sentenced under the split sentence provision are released. Adequate attention to the adjustment problems of offenders can not be provided at such levels, nor does the community obtain the protection it should receive through closer supervision of these offenders in the community. At the present time the general public impression and

Attachment C

County Jail Budgets and Funding Sources FY 24

	Sum of FY2024 Bdgt	State CJOF Funding FY24	Property Tax Funded
ANDROSCOGGIN	\$ 7,923,248.00	\$ 2,031,416.00	\$ 5,891,832.00
AROOSTOOK	\$ 5,202,358.00	\$ 1,761,163.00	\$ 3,441,195.00
CUMBERLAND	\$ 19,886,551.00	\$ 3,010,953.00	\$ 16,875,598.00
FRANKLIN	\$ 2,885,735.00	\$ 275,451.00	\$ 2,610,284.00
HANCOCK	\$ 3,037,055.00	\$ 712,621.00	\$ 2,324,434.00
KENNEBEC	\$ 10,610,476.00	\$ 2,228,322.00	\$ 8,382,154.00
KNOX	\$ 5,950,286.27	\$ 780,071.00	\$ 5,170,215.27
OXFORD	\$ 3,147,472.00	\$ 515,811.00	\$ 2,631,661.00
PENOBSCOT	\$ 15,054,145.00	\$ 3,181,436.00	\$ 11,872,709.00
PISCATAQUIS	\$ 1,912,358.00	\$ 214,754.00	\$ 1,697,604.00
SOMERSET	\$ 11,184,895.00	\$ 1,011,516.00	\$ 10,173,379.00
TWO BRIDGES	\$ 9,415,700.00	\$ 574,194.00	\$ 8,841,506.00
WALDO	\$ -	\$ 829,349.00	\$ (829,349.00)
WASHINGTON	\$ 3,473,180.00	\$ 624,611.00	\$ 2,848,569.00
YORK	\$ 12,286,578.00	\$ 2,590,436.00	\$ 9,696,142.00
Grand Total	\$ 111,970,037.27	\$ 20,342,104.00	\$ 91,627,933.27
MDOC	\$ 229,012,389.00		

County Jail Budgets and Funding Sources FY 25

County Jails	FY2025 Budgets	State CJOF Funding FY25	FY25 Supplemental MAT	Total State	State %	Property Tax Funded
ANDROSCOGGIN	\$ 9,255,050.00	\$ 2,412,245.00	\$ -	\$ 2,412,245.00	26.06%	\$ 6,842,805.00
AROOSTOOK	\$ 5,944,091.00	\$ 1,420,138.00	\$ 117,952.00	\$ 1,538,090.00	25.88%	\$ 4,406,001.00
CUMBERLAND	\$ 20,869,148.00	\$ 3,485,706.00	\$ 240,081.00	\$ 3,725,787.00	17.85%	\$ 17,143,361.00
FRANKLIN	\$ 3,166,309.00	\$ 397,375.00	\$ 107,635.00	\$ 505,010.00	15.95%	\$ 2,661,299.00
HANCOCK	\$ 3,945,995.00	\$ 760,915.00	\$ 150,000.00	\$ 910,915.00	23.08%	\$ 3,035,080.00
KENNEBEC	\$ 13,051,049.00	\$ 2,101,629.00	\$ 956,348.00	\$ 3,057,977.00	23.43%	\$ 9,993,072.00
KNOX	\$ 6,081,226.00	\$ 530,278.00	\$ 767,000.00	\$ 1,297,278.00	21.33%	\$ 4,783,948.00
OXFORD	\$ 3,357,101.00	\$ 608,895.00	\$ 96,766.00	\$ 705,661.00	21.02%	\$ 2,651,440.00
PENOBSCOT	\$ 15,366,456.00	\$ 3,095,652.00	\$ 500,000.00	\$ 3,595,652.00	23.40%	\$ 11,770,804.00
PISCATAQUIS	\$ 2,113,535.00	\$ 171,656.00	\$ 164,762.00	\$ 336,418.00	15.92%	\$ 1,777,117.00
SOMERSET	\$ 11,713,406.00	\$ 1,203,959.00	\$ 450,000.00	\$ 1,653,959.00	14.12%	\$ 10,059,447.00
TWO BRIDGES	\$ 10,440,172.00	\$ 619,434.00	\$ 99,518.00	\$ 718,952.00	6.89%	\$ 9,721,220.00
WALDO	\$ 4,515,469.00	\$ 853,251.00	\$ -	\$ 853,251.00	18.90%	\$ 3,662,218.00
WASHINGTON	\$ 3,878,184.00	\$ 480,985.00	\$ -	\$ 480,985.00	12.40%	\$ 3,397,199.00
YORK	\$ 13,532,000.00	\$ 2,199,986.00	\$ 255,000.00	\$ 2,454,986.00	18.14%	\$ 11,077,014.00
Grand Total	\$ 127,229,191.00	\$ 20,342,104.00	\$ 3,905,062.00	\$ 24,247,166.00	19.06%	\$ 102,982,025.00



Maine County Commissioners Association

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TO: Hon. Troy Jackson, President of the Senate
Hon. Rachel Talbot Ross, Speaker of the House

CC: MaryAnne Turowski, Office of Governor Janet Mills
Timothy Feely, Office of Governor Janet Mills

FROM: James Cohen, Legislative Counsel, MCCA

DATE: May 25, 2023

RE: *ARPA Expenditures by Maine Counties (Updating April 12, 2023 Memorandum)*

In March, a request was issued to the Maine County Commissioners Association to provide information to the Legislature regarding the status of federal funds issued to Maine’s counties as part of the American Rescue Plan Act (ARPA). In response to this request, we have asked each county to provide us with information about their ARPA expenditures, including how funds were spent, the process they followed in expending funds, and whether there are any remaining funds that are unencumbered. On April 12, 2023, we provided a memorandum outlining such expenditures. This memorandum incorporates the same information provided last month, with several additional pieces of information obtained in the intervening month.

Notably, ARPA funds are one-time in nature, hence counties focused on grants, capital projects, and expense replacement reflecting local and regional needs. Counties also received requests from the Administration to consider investments in broadband and substance use disorder treatment, which counties took to heart when deciding how to allocate funds. Finally, each county undertook a deliberate process involving one or multiple rounds of public input and/or grant requests, and the expenditures by counties reflected such public, local input.

At this point in time, the counties report that there are no remaining ARPA funds that have not been spent, committed, or otherwise dedicated to a final round of local grant allocation. The specific status of county expenditures is noted below.

Androscoggin County. Androscoggin County engaged in an application process to determine how best to expend its ARPA funds. Through such application process, the County approved several different kinds of projects, including projects relating to:

- Negative economic impact,
- COVID-19 recovery,
- Public health,
- Premium employee pay,
- Sheriff office facility upgrades,
- Capital expenditures, and
- Records management system upgrades.

ARPA Expenditures by Maine Counties

May 25, 2023

Page 2

The County was allotted a total of \$21 million in ARPA funding and has no remaining unallocated funds.

Aroostook County. Aroostook County has engaged in an application process to determine how best to expend its ARPA funds. Through such application process, the County has approved several different kinds of projects, and some have been completed while others are still in progress. Approved projects include projects addressing the following:

- Public health initiatives,
- Infrastructure upgrades, and
- Broadband accessibility.

The County has undertaken three rounds of RFP's from various groups, and has awarded over 2 million dollars to municipalities, non-profits, and other organizations. Additionally, approximately 1 million was expended for public health initiatives, for items such as emergency equipment for ambulance providers, COVID-19 mitigation, behavioral healthcare for the jail, and homeless services. Stakeholders have been informed that if their applications are not successful, they may apply for the County's latest round of funding, which will occur in 2024. This has already been made known to the public over the last couple of years, and the County feels that it would be a major problem to change this plan.

Cumberland County. Cumberland County has approved several different kinds of projects, and some have been completed while others are still in progress. Approved projects are categorized into several different categories, including:

- Public health expenditures,
- Negative economic impacts expenditures,
- Infrastructure expenditures,
- Broadband expenditures,
- Revenue replacement expenditures, and
- Administrative expenditures.

The County has allocated all its ARPA funds, totaling \$57,300,874.00 allocated.

Franklin County. Franklin County has approved several different kinds of projects, and some have been completed while others are still in progress. Approved projects are categorized into several different categories, including:

- Septic infrastructure upgrades,
- Employee stipends,
- Various technology and communication system upgrades,
- Sheriff department vehicle upgrades,
- Broadband expansion initiative,
- Judicial facilities upgrades,
- Jail facilities upgrades,
- Affordable housing initiative,
- Childcare services, and
- Recovery housing.

ARPA Expenditures by Maine Counties

May 25, 2023

Page 3

Of the \$5,865,802.00 allocated to the County, \$2,803,345.06 has been allocated to the various listed projects. The remaining \$3,062,456.94 will be used to construct a building for the sheriff's office.

Hancock County. Hancock County has engaged in an application process to determine how best to expend its ARPA funds. Through such application process, the County has approved several different kinds of projects, and some have been completed while others are still in progress. Approved projects include projects addressing the following:

- Economic incentives,
- Non-profit grants,
- Broadband expansion,
- Upgrades to infrastructure, and
- Technology upgrades.

Kennebec County. Kennebec County has engaged in an application process to determine how best to expend its ARPA funds. Through such application process, the County has approved several different kinds of projects, and some have been completed while others are still in progress. Approved projects include projects addressing the following:

- Childcare expansion,
- Public health initiatives and dentistry programs,
- COVID-19 economic recovery,
- Upgrades to infrastructure and communications infrastructure,
- Sustaining local animal welfare,
- Affordable housing/homeless shelters,
- Substance use disorder treatment programs,
- Childrens center early intervention & family support,
- EMA/EMT first responder training, and
- Arts & culture projects.

A link to a complete list of approved projects can be accessed here.¹

Knox County. Knox County has engaged in an application process to determine how best to expend its ARPA funds. Through such application process, the County has approved several different kinds of projects, and some have been completed while others are still in progress. Approved projects include projects addressing the following:

- Communication and technology upgrades,
- Infrastructure upgrades,
- Watercraft for Sheriff's Office, and
- Economic stipends.

Lincoln County. Lincoln County has expended \$4,131,403.62 as of 3/29/23, and has approved several different kinds of projects. Approved expenditures include the following:

- Hazard pay stipends,

¹ <https://kennebeccounty.org/arpa/Approved-ARPA-Projects.pdf>

ARPA Expenditures by Maine Counties

May 25, 2023

Page 4

- Technology upgrades for emergency services,
- EMT Basic Training tuition,
- Regional water initiatives,
- Sewer infrastructure projects, and
- Broadband grants.

Additionally, two projects are currently pending, including (1) a software upgrade for records management, and (2) a countywide community navigator. The County has \$2,595,844.38 in funds remaining which have been fully allocated.

Oxford County. Oxford County has engaged in an internal discussion process to determine how best to expend its ARPA funds. The County has expended \$526,099.16 thus far of its ARPA funds, and completed projects include projects addressing the following:

- Employee incentives,
- Computer infrastructure upgrades, and
- Audio visual upgrades for the County Commissioner's office.

The County has three projects currently in progress which will take most of the remaining ARPA funding to complete. These projects include (1) an emergency radio upgrade, (2) an HVAC system upgrade with the expansion of the County Jail's medical facility, and (3) a broadband expansion project. The County plans to utilize any remaining funds, if any, to provide grants to non-profit organizations and small municipal projects.

Penobscot County. Penobscot County has expended or dedicated the majority of the County's ARPA funds. From the very beginning, the County's Commissioners were diligent in communicating with the public to solicit ideas for use of the ARPA funds. To date, the County had expended the funds on several different kinds of projects, including:

- Government administrative services,
- Campus upgrades and facility needs,
- Communication and information technology investments,
- Non-profit services negatively impacted by the COVID-19 pandemic,
- Mental health and substance abuse programming,
- Significant resources for day care options, and
- Working with local municipalities on various projects/cooperating funds.

Piscataquis County. Piscataquis County has expended \$347,813.93 as of 12/31/2022, and has approved several different kinds of projects. Approved projects include projects addressing the following:

- Essential personnel pay,
- Technology and computer infrastructure upgrades,
- Dispatch relocation preparation work, and
- Economic incentives for rural residents to gain access to broadband service.

The County has several projects in progress, including (1) further technology upgrades to accommodate remote work, (2) material upgrades to assist in relocating dispatch, (3) remodeling the new dispatch location, and (4) a new HVAC system for the jail. The "in progress" projects total approximately

ARPA Expenditures by Maine Counties

May 25, 2023

Page 5

\$2,762,000.00, and the total expenditure for all approved/in progress projects equals \$3,109,813.93. Further, the County is currently upgrading a radio tower, which is expected to cost more than the \$150,475.07 remaining ARPA funds once the upgrade is complete.

Sagadahoc County. Sagadahoc County has approved several projects, including the following:

- Premium Pay for all employees for all months worked between March 2020 and June 2021 (\$175 for union or \$125 non-union per month) for a total of \$126,601.79 expended,
- Air purification system for a total of \$16,595.26 expended,
- Remote work capabilities: laptops and docking stations for a total of \$12,327.77 expended,
- Courthouse roof replacement for a total of \$1,068,561.00 committed, and \$865,922.00 already expended, and
- Communications upgrade project totaling \$5,347,457.00 committed.

The County's remaining balance of ARPA funds is \$427,794.02.

Somerset County. Somerset County has budgeted and allocated all of its ARPA funds to a variety of eligible services. Approved projects include projects addressing the following:

- Health services,
- Environmental remediation,
- General government administration, staff, and administrative facilities,
- Infrastructure maintenance and upgrades, and
- Public safety services upgrades.

Waldo County. Waldo County has budgeted and allocated all of its ARPA funds to a variety of eligible services. Approved projects include the following:

- Construction of two large buildings,
- Legal and administrative handling of ARPA funds,
- Financial incentives of \$20,000.00 to each of the 26 municipalities in Waldo County to use in compliance with ARPA expenditures (several of which are using it for internet broadband enhancement),
- Upgrading emergency and law enforcement communications towers and systems, and
- Construction of solar projects.

The County anticipates that all ARPA funds allotted to it will be expended well within the deadline.

Washington County. Washington County has budgeted and allocated all its ARPA funds to several eligible projects. Approved project expenditures include the following:

- Property purchase of an office building that the County plans to renovate for the District Attorney (\$152,596.00),
- Purchase of the regional communication center's computer program used to track all the activity, police and otherwise, that occurs in the county (\$366,044.00), and
- An architect for a new public safety building that would replace a building that currently houses the sheriff's office (\$16,536.75).

ARPA Expenditures by Maine Counties

May 25, 2023

Page 6

The County was awarded \$6.2 million, and all remaining funds are allocated to the new public safety building project.

York County. York County has no funds left. All the funds have been expended on a variety of projects, including projects such as a Teen Center, a housing project in the Kittery area, and a new drug rehabilitation center. Additionally, the County's funds have been expended on several smaller projects, including:

- Mobile vaccine vehicle,
- Economic pay incentives,
- PPE safety equipment,
- Existing facility upgrades and renovations, and
- Technology upgrades for jail security.



Maine County Commissioners Association

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TO: Sen. Margaret Rotundo, Co-Chair
 Rep. Melanie Sachs, Co-Chair
 Members of the Appropriations and Financial Affairs Committee

FROM: James Cohen, Legislative Counsel
 Maine County Commissioners Association

CC: Commissioner Richard Dutremble, York County and President, MCCA
 Commissioner A. Norman Fournier, Aroostook County and Vice President, MCCA
 Commissioner Stephen Gorden, Cumberland County and Chair, MCCA Legislative Committee
 Mary-Anne LaMarre, Executive Director, Maine Sheriffs Association
 Carrie Kipfer, County Administrator, Lincoln County
 Scott Ferguson, County Administrator, Kennebec County
 Ryan Pelletier, County Administrator, Aroostook County

DATE: May 26, 2023

RE: *LD 258, “Part 2” Biennial Budget -- Additional data regarding funding for county jails*

Last week, MCCA provided testimony to the Committee in support of modifying the Part 2 Biennial Budget to include additional funding for county jail operations. During the public hearing on May 17, several questions and issues were posed by Committee members, and this memorandum provides information in response to the issues raised. This memorandum was prepared with input from the Maine County Commissioners Association, Maine Sheriffs Association, and the Maine County Commissioners and Administrators Association.

1. Given projections that county jail costs will increase approximately 7% per year during the upcoming biennium, are there specific areas driving these increases?

At a high level, county jail costs have gone up over the past year for two primary reasons: (1) inflation, particularly in the medical and food sectors; and (2) recent legislative mandates requiring county jails to provide additional health care and medication assisted treatment services. The attached document (**Attachment 1**) provides statewide, aggregated data from all county jails for the three most recent years for which data is available, and it illustrates the key cost centers that have gone up in the past two years for which complete data is available. All cost centers have gone up. However, food is one area that, in the aggregate, jumped substantially in FY22. Likewise, medical/dental jumped substantially, as did utilities. Finally, the salary line item is clearly the largest source of costs for county jails, and salaries went up during this period because, as with other sectors in the economy, hiring and retention have become significant challenges for county jails. We also note that increases within the salary line also reflect employees who assist in the provision of a wide range of services – including medical care and substance use disorder treatment-related services.

2. Can you provide ten (10) years of county jail operating cost data?

In our initial testimony before the Committee, we provided data on county jail operation costs going back to fiscal year 2020. Attached to this memo, we have provided aggregated data from all county jails going back twelve (12) years to FY11 (**Attachment 2**). The data shows that county jail spending

MCCA Memo re LD 258 and Funding for County Jails

May 26, 2023

Page 2

increased 2.5% per year, on average. During the COVID-19 pandemic, spending was flat as the jail intakes went down related to a temporary reduction in arrests, prosecutions, and incarcerations. As the pandemic eased, the criminal justice system has moved toward historic averages for incarceration, which has contributed to rising costs. Additionally, higher inflation over the past several years, along with new legislative mandates, has led to much higher increases in costs for county jails. This underlies our projections for the two years of the upcoming biennium.

For purposes of comparison, we have included expenditure data for the Maine Department of Corrections going back eight (8) years to FY15. During this time period, MDOC expenditures increased 5.2% per year, on average, likely for a variety of very appropriate reasons. This compares with an annual increase of 2.5% county jails over the same period even though both county jails and the Maine prison system experienced declines in population of roughly the same levels. For the upcoming biennium, the Maine DOC budget is projected to increase 10.75%.

3. Can you provide us with information regarding how counties used ARPA funding for jails?

Last month, MCCA prepared a memorandum regarding county expenditures of American Rescue Plan Act (ARPA) funds (**Attachment 3**). The memo, which we have since supplemented with additional data, details the types of projects that each individual county funded through the expenditure of its allocated ARPA funds.

In reviewing the data, it is important to note that ARPA funds are one-time in nature and prudent fiscal stewardship would not use-ARPA funding to supplant existing operational spending. As a result, ARPA funds should not be expended for normal jail operations.

4. Do you have data showing the number of “beds” per county?

The chart below shows the authorized number of “beds” for each county jail in Maine. Please note that, over time, individual county jails may exceed their capacity and will work to ensure housing at other county jail facilities. At other times, due to hiring and staffing constraints, a county jail may be forced to limit their capacity to levels below the authorized number.

County	Capacity
Androscoggin	160
Aroostook	123
Cumberland	625
Franklin	39
Hancock	58
Kennebec	174
Knox	70
MCRRC (Waldo)	32
Oxford	47

MCCA Memo re LD 258 and Funding for County Jails

May 26, 2023

Page 3

Penobscot	157
Piscataquis	36
Somerset	234
TBRJ	210
Washington	42
York	298

5. What steps are counties taking to improve efficiencies and/or reduce costs?

Strong incentive to cooperate and find efficiencies. As a starting point, there are fifteen (15) county or regional jails in Maine. All are primarily funded by local property taxes, and county commissioners are keenly aware that any increase in costs will be primarily borne by local taxpayers. As a result, counties have a strong incentive to find efficiencies and manage costs as evidenced by the ability of counties to keep annual cost increases to an average of 2.5% over the past twelve years. This strong emphasis on economizing will not change as long as the local share of county jails remains at approximately 80%, which is what counties are requesting in this biennial budget.

Comparison to schools and municipal government. First, it is important to note that county government itself is a regional form of government where services are provided for a large number of communities. Second, there is no formal statewide system for coordinating the operations of county jails, each of which is different in terms of size, scope, problems, and population. This is no different than local schools and municipalities where there is no statewide system to coordinate the operations of such governments.

County Corrections Professional Standards Council. Despite the absence of a formal coordinating system for county jails, jails do work together in a number of areas. Last year, for example, our statewide association of county commissioners partnered with the Maine Legislature, Maine Municipal Association, and the Maine Sheriffs Association to develop jail funding legislation that included the formation of a new County Corrections Professional Standards Council comprised of seven members: (1) two representatives of county government; (2) two representatives from a statewide association of sheriffs; (3) one representative of municipal government; and (4) the Commissioner of Corrections and another individual designated by the Commissioner. The Council has authority to adopt rules governing county jail financing, advise the Governor on state funding for county jails, and advise the Commissioner regarding county jail standards. The Council commenced operations in the fall of 2022 and is ramping up its work. Challenging the Council's work, however, is the absence of staffing or funding. This may be an issue that needs to be addressed in the future to enhance the ability of the Council to meet its statutory mission.

Examples of county jail efficiency efforts. County jails are in constant communication because they have a common goal of keeping people safe and creating positive opportunities for clients. Our collaboration is an integral part of our success. Like most government agencies, the vast majority of costs confronted by county jails are staffing and salaries which comprise 67% of the overall cost structure, no different from MDOC. Jails work to manage these costs through operational efficiencies within jails themselves. With regard to the types of efficiencies adopted or exercised by county jails, we note the following examples:

MCCA Memo re LD 258 and Funding for County Jails

May 26, 2023

Page 4

- County jails have a common financial reporting system that is required by law and maintained by the MDOC. This system is maintained by the MDOC but has become antiquated and is in need of upgrade. The new Standards Council has jurisdiction to make recommendations regarding this reporting system, but at present there is no agreement on how upgrades to the system would be financed.
- County jails have developed and coordinate a “transportation hub” in an effort to share costs associated with moving clients among county corrections’ facilities. This system avoids each county duplicating transportation efforts to accomplish similar missions.
- The Two Bridges Regional Jail is a single jail facility that serves Sagadahoc and Lincoln Counties.
- Several jails in the midcoast area are currently cooperating with regard to providing specialized services to clients where each jail specializes in a particular form of treatment and houses clients with those needs.
- Cumberland and York Counties cooperate with regard to housing inmates of a particular gender, which helps keep costs down.
- Washington County, York County, and Cumberland County assist Aroostook County by exchanging clients that are either unable to be housed in their jail or are having behavior problems with their county. Those counties also hold residents who cannot be in contact with other residents because of court/case issues, such as being co-defendants, and vice-versa. This cooperative effort allows for better staff management and available bed space that the counties do on a case-by-case basis.
- All the county jails’ contracted medical providers make available medical information to other county jails immediately upon request, unlike the 30-day standards followed in public practices. This exchange of information saves the jails money, time, and resources by quickly knowing the most up-to-date medical information. This helps prevent trips to the emergency departments for complaints that are not acute but historical and under treatment.
- Through county jail cooperation and coordination with the courts, county jails now conduct most initial court appearances and bail reviews for clients using in-house video systems. This system creates substantial savings in transportation and personnel costs.
- Video systems and cooperative arrangements allow county jails to share resources with other counties, such as medical specialists, medication-assisted treatment for substance use disorder, medical reviews, and counseling for medical and mental health.
- Washington, York, Cumberland, Somerset, Penobscot, Two Bridges, and Androscoggin often share essential resources with needed items such as mattresses and floor cots.
- All county jails share and collaborate on procedures for disease control, use of force, medications for substance use disorder, medical screening, and mental health screening. They also share Maine Criminal Justice Academy instructors for teaching courses at the Academy for the basic corrections school.

We hope this information is helpful to the Committee as it considers our request to increase the level of State support for county jails to maintain the recent historic average of 20% of total jail operating costs. If the Committee has questions or needs additional information, please do not hesitate to let us know.