



Maine County Commissioners Association

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February 26, 2025

Sen. Margaret Rotundo, Chair
Rep. Drew Gattine, Chair
Joint Standing Committee on Appropriations &
Financial Affairs
100 State House Station
Augusta, ME 04333

Sen. Carney, Chair
Rep. Kuhn, Chair
Joint Standing Committee on the Judiciary
Maine State Legislature
100 State House Station
Augusta, ME 04333

Re: *Comments of MCCA on LD 210, Biennial Budget, Part A regarding Judicial Branch, Account 0063 (p.A-457), and MCPDS funding, Account Z112 (p.A-573)*

Dear Members of the Appropriations and Financial Affairs Committee and Members of the Judiciary Committee:

On behalf of the Maine County Commissioners Association, we appreciate the opportunity to provide testimony in support of the proposed budget allocation for the Judicial Branch (A-457). We also encourage the Legislature to **fully fund** the Maine Commission on Public Defense Services in the next biennium in accordance with the Commission's budget projections.

About MCCA. Briefly, the Maine County Commissioners Association was established in 1890 to assist Maine's county government in providing vital services to Maine citizens in a responsive, efficient, and credible manner. The Association is based in Augusta, represents all 16 of Maine's counties, and is governed by a board with representation from each participating county.

Maine's county jails are predominantly funded by local property taxes. County government is funded predominantly by county property taxes collected by municipalities. County jails represent about half of the operating costs of county government, and currently, less than 20% of those costs are funded by the State. In short, this means that county jails are a significant burden to already overburdened property taxpayers.

Most residents of county jails are pretrial. In any given year, approximately 30,000 individuals are housed at a county jail. At any one time, there is approximately 1,500 individuals residing in a county jail. Of those who are incarcerated, approximately 90% are pretrial. So, the longer it takes for a pretrial resident of a county jail to have their case processed by the judicial system, the more days that individual must reside in a county jail – at a significant cost to local property taxpayers. These delays also mean that justice for individual residents is delayed, which is also problematic.

Reducing the number of pretrial residents would lower the burden on property taxpayers. It stands to reason that, if the vast majority of residents in county jails are pretrial, reducing the amount of time such individuals are awaiting trial would reduce costs, and relieve some of the burden on property taxpayers. This is why our Association is supporting opportunities in the biennial budget aimed at reducing the time it takes our court system to process jail residents who are awaiting trial.

MCCA Letter re Biennial Budget

February 26, 2025

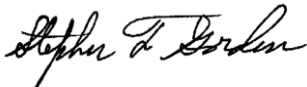
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Support for the Proposed Judiciary Budget (A-487). As has been well documented, Maine courts face a significant backlog of civil and criminal cases. This backlog was made worse during the pandemic. To address this backlog, Maine's Judicial Branch has proposed a number of initiatives in the biennial budget to increase the ability of the system to process cases more quickly. This includes funds for additional court marshals, clerks, law clerks, courtroom technology assistants, and other staff and technologies that will increase court capacity and efficiencies. To the extent these investments will speed up our court system and reduce the number of residents who are pretrial, we support these investments and urge the Legislature to support them as well.

Support for Fully Funding the Maine Commission on Public Defense Services (A-573). When an individual is arrested, they have a constitutional right to counsel. For indigent Mainers, these services are provided by private attorneys coordinated by the Maine Commission on Public Defense Services or attorneys working for one of Maine's new Public Defender offices. However, increasingly, indigent Mainers have not been able to access the services of public defense counsel, and a Maine court recently determined that this lack of access to counsel amounted to a violation of the Sixth Amendment. This delay also means that a larger number of county jail residents awaiting trial must remain in jail longer. To address this significant challenge, the Commission submitted a budget request of approximately \$137 million over the biennium, funds that the Commission felt was needed to hire and retain a sufficient number of attorneys to represent indigent defendants. Unfortunately, the proposed biennial budget includes approximately \$102 million in funding, a shortfall of about \$34 million. We believe that the budget request of the Commission better represents the cost needed to ensure that indigent defendants have adequate access to counsel, and if this budget request were fully funded, it would reduce the amount of time pretrial residents who are indigent would need to remain in jail. For this reason, we urge the Legislature to fund indigent legal defense services at the level requested by the Commission.

Conclusion. We appreciate the opportunity to provide testimony in support of the proposed budget for the Judicial Branch and encourage the Legislature to fully fund the indigent legal services at the level requested by the Maine Commission on Public Defense Services. If you have questions or need additional information, please do not hesitate to let us know.

Respectfully submitted,



Stephen Gorden
Co-Chair, Legislative Policy Committee, MCCA



Jean-Marie Caterina
Co-Chair, Legislative Policy Committee, MCCA

cc: Commissioner Andre Cushing, President, MCCA