

Kennebec County, Maine



February 4, 2025

Re: County Testimony on Jail Funding and **LD 210** An Act Making Unified Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2025, June 30, 2026 and June 30, 2027

Senator Rotundo, Representative Gattine and esteemed members of the Committee on Appropriations and Financial Affairs;

Senator Beebe-Center, Representative Hasenfus and esteemed members of the Criminal Justice and Public Safety Committee.

I am Scott Ferguson, Kennebec County administrator, and below is my testimony concerning LD 210; the reduction of the county request for jail funding presented in this budget and the county jail funding formula and associated problems.

I apologize for not appearing in person as the Kennebec County Commissioners meeting schedule conflicts with the AFA time slot for testimony on this topic.

There are two issues faced by counties with state funding:

1. County Jail Biennial Budget request reduction of \$24M in the governor's budget.
2. The formula; distribution rule - §1210-E. County Jail Operations Fund - 9. Formula; distribution and MDOC Rule #3 County Jail Operations Fund Distribution of Funds Formula

Biennial Request Reduction

In December 2024, the CCPSC (County Corrections Professional Standards Council) presented an initiative of \$28,303,036 for this biennium (FY26 \$13,770,151, FY27 \$14,532,885) to DAFS Commissioner Figueroa, MDOC Commissioner Liberty, the Bureau of the Budget, the Corrections Service Center and MaryAnne Turowski of the governor's office. Also provided was supporting documentation for the request, by county, and answers to questions posed by the governor concerning collaborative county jail efforts. The meeting was concluded by county officials offering any answers to questions the state might have at any time. To this day, none have been asked.

The result; the Governor's Budget reduced that request from \$28.3M to \$8M.

To put this number in perspective (\$4M – last year's supplement and each year of FY26 & 27), this number represents what the counties provided to the state for FY24 funding in support of PL 732 (May 5, 2022) for MAT(Medication Assisted Treatment). Unfortunately, we did not see funding until FY25, at which time the cost of this program increased significantly as the cost

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realization of implementing the “7 Shalls” of PL 732 became a reality. This initiative has been primarily funded by the property tax since it became effective.

PL 732 is costing Kennebec County an additional \$956K in FY25 with current estimates of \$1,059,999 for FY26 and \$1,079,330 for FY27. We need help!

If the state does not intervene, the county has no choice but to pass this cost on to an already overburdened property taxpayer. Costs are rising and it is becoming difficult to hold the line on things we have no control over let alone fund legislation that has no funding tied to it.

The biennial budget of \$4M over each year of the biennium will not make a dent in the costs associated in complying with the 7 Shalls of PL 732 over 16 counties (15 jails).

The formula; distribution rule:

This statutory formula and MDOC rule has several issues:

1. They contradict each other as the statute has changed, but the MDOC rule hasn't.
2. Budgeting for state funding is next to impossible as the budgetary cycle of Fiscal Year counties happens BEFORE the methodology of the formula distribution rule is even gathered.
 - a. FY(Fiscal Year) county budgets end around April or May.
 - b. Formula distribution rule data is gathered in the following July/ August.

I can only compare this to paying bills BEFORE you get paid. The counties **have NO idea** how much funding they will receive from the County Jail Operations Fund as the distribution is based on a “county of origin population by county” as a percent to total. Each county guesses during its budget process what their percentage would be (up or down) and at what the impact will be on funds received by this calculation. If we are wrong with our guess, we are looking at deficits. I am quite sure that no one at home runs their checkbook in this manner.

I would be happy to appear at another time to discuss these matters before either committee if they so choose.

Sincerely,

A handwritten signature in blue ink, appearing to be "S. Ferguson", is written over a light blue horizontal line.

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Cc: Kennebec County Commissioners