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Testimony of the Maine Municipal Association

In Support For

LD 719 – An Act to Amend the Share of State Funding for the County Jail Operations Fund

March 3, 2025

Senator Beebe-Center, Representative Hasenfus and distinguished members of the Criminal Justice and Public Safety Committee, my name is Rebecca Graham, and I am submitting testimony in support for LD 719, at the direction of MMA’s Legislative Policy Committee (LPC). Right sizing the proportion of the state’s contribution for county jail operations has formed a key platform focus of the Association’s members this legislative session and while this is not MMA’s platform bill, which has yet to be printed, this bill seeks to achieve the same albeit through a different method.

The Association and municipalities fully support any increase in the state contribution to cover the burdens of policy that are not local in control or ability to manage building a cheaper solution to locally created problem.

Municipal officials have seen their county assessment bills grow in some cases close to 30% over previous years, largely because of the uncontrollable costs associated with county jail operations. This is one area where both counties and municipal government have no agency to change or limit the costs as the state is driving the policy either by lack of investment in crisis and forensic mental health services, judicial backlog and sentencing prerogatives, and the use using routine and technical rulemaking to force cost shifts to other counties.

You have already received extensive testimony regarding the significant burden this is placing on communities and how more equitable investment in county correctional services will equate to direct property tax relief statewide. The Association would like to take this opportunity to include other areas for consideration and correction of information already received, and particularly in response to the work to date between County Sheriff’s, Commissioners, Administrators, Department of Corrections and MMA.

Efficiencies

A recurring argument from the administration is that counties fail to cooperate, as they are viewed as a statewide system rather than independent, regionally diverse entities. While this is not entirely accurate as the council has provided information on a consistent number of areas where coordination is happening daily, this view is more problematic from a structural understanding. Counties do not share financial or operational authority—each is responsible for its own taxpayers impact and cannot impose additional burdens on neighboring counties who must provide services in ways that do not inflate their budgets without approval. This misrepresentation shifts the blame for the state’s failure to fulfill its obligations onto the counties blaming them for not sharing or coordinating where they functionally cannot without a neutral cost.

. If the state truly wants uniformity, it should assume responsibility for statewide inmate transportation, build overflow facilities or accept inmates into state facilities or provide statewide contracts for food services, and medical and mental health care. Instead, the Department continues to deflect accountability, framing counties as the problem rather than addressing state-level shortcomings.

The expectation that counties function as a uniform system ignores geographic and economic realities. Aroostook County, with its ageing 100-year-old facility, cannot provide the same level of services as Cumberland County, which has a larger tax base and workforce. Yet, the administration insists on applying the same standards and cost assumptions to both, despite the vast differences in available resources. The distance between these two counties is equivalent to the Commissioner's own example of Augusta to Rhode Island, making collaboration as he envisions it impractical even if budgets and costs were equal.

Additionally, Cumberland County pays its correctional officers more than Aroostook County, making the cost of housing inmates fundamentally different. It is not simply a matter of providing "three more meals." Expecting one county to bear the costs of housing inmates from another jurisdiction just because beds are available disregards the financial and logistical burdens that come with the obligation not to mention access to family and continued MAT treatment. Meanwhile, the state prison system refuses to accept responsibility for individuals who violate their probation rules and should be returning to state facilities to complete their sentence.

If the state wants county jails to function as a unified system, it must take on the responsibilities of a statewide system, rather than imposing unrealistic demands on counties that lack the resources or authority to comply.

Standards

This bill fails to address a key issue identified by the County Corrections Professional Standards Council—an issue that will be tackled in another bill coming before this committee that we hope will be considered by the committee. The alternative proposal for balancing county jail funding also seeks to require the Commissioner to take on a more collaborative role within the Council and to consider its recommendations when establishing rules and standards.

The Council reviewed proposed changes and flagged serious concerns about an unfunded cost shift, where recent recommendations were transformed into mandates through routine and technical rulemaking without the legislative oversight required for such changes. This shift would not only disrupt the shared resource model—where county facilities house inmates based on their capacity—but also impose financial burdens on counties before seeking assistance from the state Department of Corrections (DOC). These concerns were ignored, and rulemaking proceeded to force counties to terminate financial contracts with federal partners the moment a facility exceeds its rated capacity, even when temporary, such as during mass arrests following a protest.

Even more troubling, the proposed rule violates legislative requirements for reviewing unfunded mandates on local governments and appears to contradict state law (M.S.R.A. 25 §1502), which mandates that county facilities remain available for individuals arrested by state and federal law enforcement. Federal agencies play a vital role in investigating complex interstate and cross-border crimes in Maine. Their arrestees should not be singled out simply because their detention provides the adequate revenue to facilities, yet this rule unfairly targets them. These are not detainees for administrative immigration violations.

While the intent behind the rule may be to enhance safety for staff, inmates, and the public, the approach is flawed. Replacing the existing balanced standard with a rigid, arbitrary capacity limit lacks the necessary public input and fails to address the underlying issues in the correctional system. The Council did not dismiss the Commissioner's concerns or ask for stricter enforcement—it requested a more balanced, collaborative approach that acknowledges the realities of jail operations. If a mandate is necessary, it should either be properly funded or reviewed by the legislature, rather than imposed through routine rulemaking processes that were never meant to dictate such critical policy shifts.

A future bill will suggest changing the relationship between the recommendations of the Council to the DOC and require appropriate justification for ignoring sensible solutions and legislative review for mandated standards.

Reporting

As reported to the committee in January, the County Corrections Professional Standards Council has made significant progress in fostering collaboration among county facilities and the Department of Corrections (DOC). This partnership has led to the discovery of critical, previously unexamined data on individuals in the system and the systemic factors keeping them in short-term holding facilities beyond their intended stay. While the DOC had not prioritized uncovering this data in the past, dedicated staff worked alongside the Council to collect and analyze it, culminating in the launch of a vastly improved centralized reporting system now known as JIMS.

This new system provides real-time, expanded access to essential data, allowing for daily monitoring of:

- Charge types and changes
- Length of stay under specific charges
- Movement of individuals across county facilities
- Patterns of recidivism within the jail system

By capturing pressures outside the DOC's direct control, this system also highlights the state-imposed burdens on county jails that remain unfunded or subject to policy changes.

This initiative, which no single county could achieve alone, was made possible through the support of state partners and the expertise of those working in the system daily. It equips this committee with crucial insights into the realities of county jail incarceration, enabling data-driven policy decisions and meaningful reform.

However, this type of partnership must extend beyond this initiative to drive the systemic change the DOC claims to support. Until November, the Council had been denied staff support to collect and analyze the very data that the Commissioner criticized as inadequate. Despite multiple requests for funding, the Council relied solely on staffing provided by the Maine Sheriffs' Association, shifting yet another cost burden onto the counties.

Conducting a comprehensive financial review requires not only data collection but also adequate staffing to support the Council's volunteer members, who have obligations beyond their service. It is unfair and misleading for the administration to criticize the Council's progress while failing to provide the necessary resources for the work it brought before this committee and, worse, has not discussed with the Council directly.

For all these reasons, officials hope that the committee will consider multiple paths to providing both immediate and long-term relief to address the pressures facing county jails. The Association thanks the committee for its careful deliberation on relieving the burden on County jails and ultimately the property taxpayer and offering greater support.