



60 Community Drive | Augusta, ME 04330-9486

1-800-452-8786 (in state)

(T) 207-623-8428

(F) 207-624-0129

Testimony of the Maine Municipal Association

Neither for Nor Against

LD1416, *An Act to Require the Department of Health and Human Services to Immediately Take Custody of Persons Sentenced to Mental Health Facilities That May Not Include County or Regional Jails*

April 14, 2025

---

Sen. Ingwersen, Rep. Meyer and distinguished members of the Health and Human Services Committee, my name is Rebecca Graham, and I am submitting placeholder testimony on LD 1416, *An Act to Require the Department of Health and Human Services to Immediately Take Custody of Persons Sentenced to Mental Health Facilities That May Not Include County or Regional Jails*, as our Legislative Policy Committee (LPC) has not had the opportunity to review the language of the bill yet. They will be reviewing the bill and taking an official position on Wednesday of this week, and I will be happy to provide additional testimony following that meeting and any other information the committee may desire to have at that time.

As you review the merits of this bill, it is important for the committee to understand that the operation of county jails is overwhelmingly paid for by municipal property tax assessed by the county through their annual budget. Counties have limited revenue generating powers beyond the tax assessment levied on municipalities and paid for by the property taxpayer, and increasingly this burden is becoming too great for communities to shoulder. The mandated costs of operation established by the state, lack of local authority to address judicial backups, and increasingly problematic use of county jails to be viewed as the alternative to forensic mental health facilities are a burden too great for local government to solve alone and too expensive to rely so heavily on municipal property tax.

During regional meetings across the state this past autumn, municipal officials heard that when there are no beds available in secured mental health facilities due to staffing restraints, individuals are sent to the county jail for indefinite periods of time or remain to languish in the jail once they have been deemed unfit for trial. These are individuals who are either deemed innocent by their mental health issues or have committed no crime at all but pose a significant risk to public safety. County jails are not equipped to be mental health facilities and their continued use masks the deficiency in Maine's mental and behavioral health system.

Additionally, this is unfit care for both the individual, but also problematic for other inmates who are subjected to uncontrolled episodes, and the staff who are not trained to provide mental health services or able to forcibly administer medications that can be done in a hospital setting. LD 1416 seems to be trying to address this reality by requiring the immediate custody transfer to a secure facility for residents of a county correctional facility who has been sentenced to a mental and behavioral health institution. This is a sensible policy solution and one that will reduce the pressure in county jails.

Thank you for your consideration of this important topic and I will be happy to provide further information and the official position before the work session on this bill.