



Maine County Commissioners Association

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May 9, 2025

Sen. Ingwersen, Chair
Rep. Meyer, Chair
Joint Standing Committee on Health and Human Services
100 State House Station
Augusta, ME 04333

Re: ***Comments of MCCA on LD 1799, Resolve, Directing the Department of Health and Human Services to Review the Progressive Treatment Program and Processes by Which a Person May Be Involuntarily Admitted to a Psychiatric Hospital or Receive Court-ordered Community Treatment***

Chair Ingwersen, Chair Meyer, and Members of the Joint Standing Committee Health and Human Services:

On behalf of the Maine County Commissioners Association, we appreciate the opportunity to provide testimony *neither for nor against* LD 1799. Although we do not take a position regarding the bill itself, to the extent the Legislature does move forward with a study regarding involuntary commitment, it would be very important for the study group to include a representative of county jails -- which is where many individuals unable to stand trial end up being housed when there is not capacity elsewhere in Maine's mental health and psychiatric system.

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.

What does LD 1799 do? LD 1799 directs the Department of Health and Human Services to review the progressive treatment program and the processes by which individuals may be involuntarily admitted to psychiatric hospitals or receive court-ordered community treatment. The bill creates a stakeholder group to provide input and recommendations on these processes, with the goal of improving the treatment and care of individuals with mental health disorders.

Discussion. As drafted, the bill creates a very large stakeholder group of 18 members to examine and make recommendations regarding the processes through which individuals may be involuntarily admitted to psychiatric hospitals or receive court-ordered community treatment. However, missing from the list of 18 members is a representative of Maine's county jails. This is a significant oversight given the critical role that county jails play in the care and treatment of individuals with mental health and substance abuse issues.

As a general matter, when a judge has made a commitment to DHHS custody based on the competence of an individual to stand trial, the individual should be immediately transferred to an appropriate mental health facility. However, due to the lack of available beds and mental health services, many individuals are left to languish in county jails, often for prolonged periods of time. As a result, individuals are held in county jails while awaiting treatment, which strains resources and compounds the challenges faced by both the individuals in need of care and the staff tasked with overseeing them.

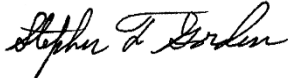
This situation is a violation of the legal commitment made by the courts, and it is not in the best interest of the individual. County jails are not set up to be psychiatric wards, and although jails do their best to assist residents who have been assigned to receive psychiatric care, those individuals need to be in settings actually designed to offer the care and treatment they need.

Inclusion in the study of an individual from county jails is all the more important when one considers that county jails are currently serving as a de facto part of Maine's mental health system when individuals are incarcerated. According to recent data, approximately 75% of individuals housed in county jails are classified with a substance use disorder, and 60% are classified with a mental health disorder. Jails are often the place where the state's mental health system fails—when individuals who should be receiving mental health care are instead held in correctional facilities due to lack of available services elsewhere.

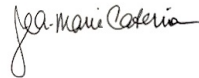
Overall, by adding a representative from county jails to the stakeholder group, the study will have a more complete picture of how the lack of psychiatric hospital beds and treatment options affects incarcerated individuals. It will also provide insight into how county jails are handling the mental health crisis on the ground, the impact of incarceration on individuals who should otherwise be in the state's mental health system, the cost to local taxpayers of having jails serve as mental health treatment centers, and what can be done to improve the system at both the local and statewide levels.

Conclusion. If this bill does move forward, MCCA respectfully requests that the Committee consider adding county jails as a represented entity in the stakeholder group created by LD 1799 to ensure that all perspectives are accounted for, particularly those related to the intersection of mental health care and incarceration

Respectfully submitted,



Stephen Gorden
Co-Chair, Legislative Policy Committee, MCCA



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Co-Chair, Legislative Policy Committee, MCCA

cc: Commissioner Andre Cushing, President, MCCA
James I. Cohen, Verrill Dana, LLP, MCCA Legislative Counsel

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