



# Maine County Commissioners Association

4 Gabriel Drive, Suite 2 Augusta, ME 04330, 207-623-4697  
[www.maine counties.org](http://www.maine counties.org)

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January 20, 2026

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

Re: ***LD 2059, An Act to Provide Required Funding for the Reimbursement of Assigned Counsel and to Develop the Public Defender Office for Cumberland County (Emergency)***

Dear Sen. Carney, Rep. Kuhn, and Members of the Judiciary Committee:

On behalf of the Maine County Commissioners Association (MCCA), we write to provide testimony **neither for nor against** LD 2059, *An Act to Provide Required Funding for the Reimbursement of Assigned Counsel and to Develop the Public Defender Office for Cumberland County*. While MCCA does not take a position on the specific funding mechanisms or county-specific approach contained in the bill, counties strongly support increased and sustained investment in Maine's indigent defense system and appreciate the Legislature's continued focus on addressing the serious challenges currently facing the criminal justice 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 2059 do?** LD 2059 would provide General Fund appropriations to the Maine Commission on Public Defense Services to address current shortfalls in compensation for assigned counsel and to support the continued development and staffing of a public defender office for Cumberland County. The bill includes funding to reimburse assigned counsel for indigent defense services in the current biennium and to establish and staff positions within the Cumberland County public defender office, including public defenders, support attorneys, paralegals, and related office personnel.

**Discussion.** Counties across Maine are directly impacted when the indigent defense system lacks sufficient resources. Delays in the appointment of counsel and prolonged pretrial timelines often result in individuals remaining in county jails for extended periods while awaiting legal representation or court proceedings. These extended holding times increase operational pressures on county jails, exacerbate capacity challenges, and significantly raise costs borne by counties.

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Those increased jail costs ultimately fall on local property taxpayers as counties rely almost exclusively on property tax revenue to fund jail operations. When systemic issues elsewhere in the criminal justice system delay case resolution, counties have limited ability to mitigate the resulting fiscal and operational impacts.

MCCA therefore supports the Legislature's efforts to address funding shortfalls in the indigent legal defense system, including reimbursement for assigned counsel and investments intended to improve system capacity. However, counties remain concerned that one-time appropriations or solutions focused on a single county do not fully address the broader, statewide nature of the problem. Similar challenges exist in counties across Maine, particularly in rural areas where access to qualified counsel is limited and delays are often most acute.

From a county perspective, lasting improvements will require sustained, long-term, and statewide funding solutions that stabilize the indigent defense system as a whole. Absent such comprehensive reforms, counties will continue to absorb the downstream impacts of system delays through increased jail populations, higher operational costs, and ongoing pressure on local property taxpayers.

**Pretrial detention represents a substantial component of county jail population and costs.** As noted earlier, pretrial detention represents a major aspect of the population within county jails, and a major component of the costs of operating county jails. As this data reflects, counties and county taxpayers face significant fiscal exposure when there are delays in the appointment of counsel, which serves to prolong incarceration of criminal defendants. These costs are illustrated in the table below:<sup>1</sup>

Snapshot Summary of MDOC County Jail Monthly Population Report December 2025

County Jail	Awaiting Trial	Sentenced	Total	% Pre-Trial	Ave Cost/Day	Annual Cost to County
Androscoggin	136	20	156	87.18%	\$206.00	\$10,225,939.38
Aroostook	87	6	93	93.55%	\$186.34	\$5,917,119.77
Cumberland	318	48	366	86.89%	\$172.54	\$20,026,209.00
Franklin	18	10	28	64.29%	\$346.05	\$2,273,560.07
Hancock	39	3	42	92.86%	\$247.73	\$3,526,502.57
Kennebec	95	16	111	85.59%	\$347.75	\$12,058,264.41
Knox	21	4	25	84.00%	\$837.92	\$6,422,670.68
Oxford	0	8	8	0.00%	\$1,783.31	\$-
Penobscot	108	17	125	86.40%	\$359.75	\$14,181,409.15
Piscataquis	23	3	26	88.46%	\$238.90	\$2,005,601.77
Somerset	106	21	127	83.46%	\$252.77	\$9,779,842.94
TBRJ	129	28	157	82.17%	\$165.51	\$7,792,846.46
Waldo/MCRRC	25	11	36	69.44%	\$422.34	\$3,853,815.28
Washington	51	6	57	89.47%	\$199.55	\$3,714,594.84
York	165	21	186	88.71%	\$217.75	\$13,113,921.45
<b>Daily Pop Total:</b>	<b>1660</b>	<b>254</b>	<b>1914</b>	<b>86.73%</b>	<b>\$377.31</b>	<b>\$115,109,662.41</b>

<sup>1</sup> Please note that the incarceration data reflected in the table above is drawn from monthly population reports filed by county jails with the Maine Department of Corrections, while the cost figures are based on county jail budgets for FY2026 as reported to the Department and divided by average daily population within each jail.

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**Funding indigent legal defense is not a substitute for needed state support for county jail**

**operations.** As a final note, in advocating for full funding for indigent legal defense services, we are in no way suggesting that such funding can be provided in lieu of the longstanding need for additional state support for county jail operations, which system is critical to the operation of the state's overall criminal justice system, but over which counties themselves have limited control. MCCA is continuing to work with the Legislature's Criminal Justice and Public Safety Committee and the Appropriations and Financial Affairs Committee on this critical need for more state support for county jail operations, which funding will ultimately be addressed in the Supplemental Budget. We hope that members of the Judiciary Committee will not only agree to support full funding for indigent legal defense services, but will also support additional funding for county jail operations that are critical to the state's overall criminal justice system.

**Conclusion.** For these reasons, the Maine County Commissioners Association testifies neither for/nor against LD 2059. Counties support increased funding for indigent defense services and appreciate the Legislature's attention to this critical issue, but as noted, we urge lawmakers to consider comprehensive, long-term solutions that address systemic needs of the criminal justice system statewide. We thank the Committee for the opportunity to provide testimony and would be happy to answer any questions.

Respectfully submitted,



Kevin Kelley  
Co-Chair, Legislative Policy Committee, MCCA

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

cc: Commissioner Andre Cushing, President, MCCA

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