



Maine Sheriffs' Association

"One Team, One Mission"

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April 24, 2023

L.D. 1086 – An Act to Define the Term “Solitary Confinement” for the Laws Governing a Jail or Correctional Facility

Senator Beebe-Center, Representative Salisbury, and distinguished members of the Joint Standing Committee on Criminal Justice, my name is Joel Merry. I am the Sheriff of Sagadahoc County and here on behalf of the Maine Sheriffs Association.

Maine sheriffs discussed this bill and those present voted unanimously to oppose L.D. 1086 – An Act to Define the Term “Solitary Confinement” for the Laws Governing a Jail or Correctional Facility

This committee graciously invited the Maine Sheriffs to provide an introduction at the beginning of this legislative session. You may remember that our president, Sheriff Lancaster of Somerset County, urged members of this committee to keep one very important fact in mind when considering legislation for Maine’s county and regional jails. That message was, “one size does not fit all”.

Maine’s fifteen jails, often appropriately called the emergency rooms of the penal system, are faced with significantly different scenarios than state facilities. The majority of jail intakes are suffering from substance use disorders, mental health issues, or a combination of factors that create critical safety issues for staff and for other inmates. We believe the intent of defining this term in statute is to pursue restrictions on the necessary use of removing individuals from the general population. It’s just not that simple.

The state correctional facilities receive inmates that have been stabilized. Their intakes have received medically assisted treatment, counseling, and programming to ensure their wellbeing. While we cannot speak to operations within a state facility, we can and must ensure that lawmakers understand that removing an individual from a jail’s general population and keeping other inmates safe from those who are not stabilized cannot be measured by the number of hours in a day.

Last session, the topic of solitary confinement was presented in various scenarios. Each and every attempt at restricting a jail’s ability to contain dangerous and unstable individuals was met with our efforts to educate lawmakers as to the vast differences between jails and prisons. We recognize the history of this topic and urge lawmakers to follow in the footsteps of those legislators who killed this bill in the 130th legislature.

Maine sheriffs appreciate the opportunity to share our observations and position with this committee. I welcome any questions you may have.

Sincerely,

Sheriff Joel Merry
Past President-At-Large
Maine Sheriffs’ Association