

Kennebec County, Maine



May 17, 2023

Senator Margaret Rotundo, AFA Chair
Representative Melanie Sachs, Chair
Honorable Members of the Appropriations and Financial Affairs Committee

Senator Anne Beebe-Center, CJPS Chair
Representative Suzanne Salisbury, CJPS Chair
Honorable Members of the Criminal Justice & Public Safety Committee

Re: Kennebec County - Fiscal Issues resulting from PL 732 (LD 1654) May 5, 2022 (130th)

Dear Committee Members,

I would like to focus on two issues from this bill (PL 732 (LD 1654)) which are causing fiscal stress to the residents of Kennebec County (as well as other Counties):

- 1) the mandatory requirements of PL 732 concerning Medication Assisted Treatment and
- 2) the disbursement of jail funding from the County Jail Operations Fund on a quarterly basis.
 - a. These funds used to be sent to Counties annually by August of each year in one payment.

To provide some context, I served as the MDOC Corrections Service Center Director for 15 years under four MDOC Commissioners. I also served as the Fiscal Agent for the State Board of Corrections through its existence, and am now currently the Kennebec County Administrator. My involvement includes drafting initial and subsequent language for the State Board of Corrections; providing guidance to Counties in the use of the SBOC reporting systems; CRAS and BARS; and I have also been asked to chair the Finance Team for the Jail Standards Council (created in this bill).

1) Public Law 732 (LD 1654) – Medication Assisted Treatment

This language has caused extensive fiscal hardships for county jails as well as the property taxpayers of Kennebec County. The language causing this hardship can be summarized as follows:

§1208-B, sub-§4

- B. Each jail **shall provide** access to substance use disorder screening, assessment, medication, treatment, recovery and reentry services, including **at a minimum**:
 - Screening on intake
 - Medically managed withdrawal treatment
 - All forms of medication for addiction treatment
 - Behavioral treatment
 - Peer support services
 - Reentry planning and transitional support
 - Assistance in obtaining health insurance prior to release
- C. Each jail **shall provide** mental health treatment, including at a minimum providing a licensed clinician or licensed professional organization
- D. Each jail **shall provide** community programs and services
- E. Each jail **shall provide** initial and ongoing training and technical assistance for facility staff and health care practitioners on screening, assessment, medication and treatment protocols for substance use disorder.

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Problem:

The MAT language is a mandate to county jails; "*Each jail shall . . .*" MAT (Medication Assisted Treatment) is estimated to cost Kennebec County \$638K at a minimum. As I am sure you are aware, medical care and nursing costs have skyrocketed as a result of the pandemic. Here is a snapshot of our MAT budget:

Kennebec County Budget Proposal - MAT PROGRAM (56 week relief)						
Positions	FTE	Hrs/week	Rate	Annual Salaries	Benefit Load (28%)	Totals
MH NP or MD (for Induction)	0.2	8	\$ 105.00	\$ 43,680	\$ 12,230	\$ 55,910
RN (Dosing Nurses)	2.5	100	\$ 38.50	\$ 200,200	\$ 56,056	\$ 256,256
MH Clinicians	2.5	100	\$ 38.00	\$ 197,600	\$ 55,328	\$ 252,928
MAT Provider On-call - 365 Days						\$ 73,000
Total						\$ 638,094

As PL 732 contained **NO** funding to cover the mandated requirements of MAT, Kennebec County had no choice but to pass the cost of this state initiative/ mandate to the property taxpayers in order to meet the "shall" requirements of this legislation.

2) §1210-E. County Jail Operations Fund Sub-section 5. Quarterly payments to counties.

The department shall distribute funding payable to the counties for operation of the jails quarterly if the jails have reported on a timely basis as required by subsection 6 and rules adopted pursuant to subsection 7. Failure to report as required may result in delayed payment of funds required to be paid by this section.

Problem:

This change in payments to the counties has an adverse impact on a counties cash flow. This will/ may force counties who did not issue TANS (Tax Anticipation Notes), to begin to have to. This is also an additional cost to the property taxpayer (interest and bond counsel).

There are other issues with the PL 732 that I would be happy to discuss (Community Corrections, Financial Reporting), however the two issues above have significant fiscal impacts to not only Kennebec County, but to all Maine Counties.

Kennebec County (and all Maine Counties) would appreciate any funding consideration to alleviate the property tax dilemma resulting from this legislation. As I mentioned, MAT is costing Kennebec County an estimated \$638K; if not more.

I apologize that I cannot appear in person to testify, however I have personal commitments when this meeting is being held. I would be happy to appear at another time to answer any questions.

Sincerely, and On Behalf of the Commissioners of Kennebec County,

A handwritten signature in dark ink, appearing to be "Scott Ferguson".

Scott Ferguson
Kennebec County Administrator

Cc: Patsy G. Crockett, Kennebec County Commissioner, Chair
George M. Jabar, II., Kennebec County Commissioner
Joseph J. Pietroski, Kennebec County Commissioner
Ken Mason, Kennebec County Sheriff