

Maine County Commissioners Association

4 Gabriel Drive, Suite 2 Augusta, ME 04330, 207-623-4697
www.mainecounties.org

LD 258, Part A of Governor's "Change Package" regarding State Support for County Jail Operations

May 17, 2023

Senator Rotundo, Representative Sachs, and members of the Joint Standing Committee on Appropriations and Financial Affairs, my name is Stephen Gorden and in addition to serving as a member of the board of commissioners for Cumberland County, I am writing today in my role as chair of the legislative policy committee of the Maine County Commissioners Association. We appreciate the opportunity to provide testimony regarding state support for county jail funding in the Governor's proposed Part 2 Budget change package.

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 of Maine's 16 counties, and is governed by a board with representation from each participating county.

County jails perform an important function for Maine State Government. County jails perform an important function for the State of Maine. Any individual who is arrested and is awaiting trial without making bail is housed at a county jail. Individuals awaiting pleading are housed in county jails. Any individual who is convicted of a crime and sentenced to under nine months of incarceration is housed in a county jail. Moreover, individuals who are sentenced for multiple crimes totaling more than nine months are also housed in a county jail as long as no individual sentence exceeds nine months. Finally, individuals who have been arrested and are awaiting determination of competency to stand trial are commonly housed in county jails, even if the incarceration exceeds nine months. Whether or not the individual involved is arrested by a municipal, county, or state law enforcement official or indicted by a grand jury, it is the county jail where such individual is incarcerated.

County jails are primarily funded by local property taxes. Like most of county government, funding for county jails comes primarily from local property taxpayers through property taxes assessed by municipalities.

Historically, the State has reimbursed counties for about 20% of county jail costs. In recent years, the State of Maine has funded approximately 20% of the cost of operating county jails, largely in recognition of the fact that county jails serve an important purpose for the State of Maine. This means that, for every five dollars spent to operate county jails, county government pays for \$4, and State government pays for \$1. We are asking that this basic allocation remain the same in this biennium as well.

County jail operating costs have gone up. Costs are on the rise for all aspects of administering our county jails, and the attached memorandum outlines such increasing costs and the crucial need for additional funding for county jail operations. The increased costs track current inflation levels and reflect recently added mandated services at jails, including mental health care and substance use disorder treatment services. Based on the analysis undertaken by all sixteen counties, a reasonable projection is that jail operating costs will rise approximately 6.98% in each year of the biennium. Given this increase, maintaining a 20% state share would

Comments of MCCA re LD 258, Part A – Governor’s “Change Package”

May 17, 2023

Page 2

require an additional appropriation of \$3,081,775 for FY24 and \$4,499,914 for FY25, totaling \$7,581,689 for the biennium.

The County Jail Operations Fund was flat funded in the biennium. In the “Part 1” Biennial Budget enacted earlier this spring, funding for county jails through the County Jail Operations Fund was funded at the same \$20,342,104 level that was in place for the prior biennium. The Governor’s “change package” did not propose adding any additional funding for county jails.

State law allows the Legislature to increase state funding for county jails. Notably, current state law, amended last year, provides that the biennial budget should fund county jail operating costs at the amount of \$20,342,104 per annum, but further provides that the Legislature may decide to exceed this amount. *34-A M.R.S. § 1210-E(2)*. We are asking the Legislature to exceed this amount for the current biennium as noted:

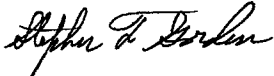
FY24: \$3,081,775

FY25: \$4,499,914

Conclusion. For the reasons noted above, we believe it is imperative for the Maine Legislature to further modify the “Part 2” Biennial Budget to maintain the State’s recent 20% level of funding support for county jails. This increase amounts to an additional \$3,081,775 in FY24 and \$4,499,914 in FY25. If such funding is not appropriated, then this same amount of money will need to come out of property taxes assessed at the local level.

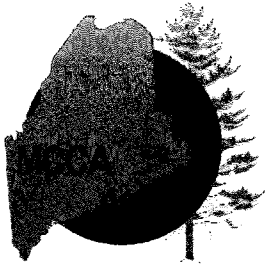
We appreciate the opportunity to provide testimony on this important issue, and if you have questions or need additional information, please do not hesitate to let us know.

Respectfully submitted,



Commissioner Stephen Gorden, Cumberland County
Chair, MCCA Legislative Policy Committee

cc: Commissioner Richard Dutremble, York County, President, MCCA
Commissioner A. Norman Fournier, Aroostook County, Vice President, MCCA
James I. Cohen, Verrill Dana, LLP, MCCA Legislative Counsel



Maine County Commissioners Association

4 Gabriel Drive, Suite 2 Augusta, ME 04330, 207-623-4697
www.mainecounties.org

March 23, 2023

Sen. Margaret Rotundo, Chair
Rep. Melanie Sachs, Chair
Joint Standing Committee on Appropriations
& Financial Affairs
Maine State Legislature
100 State House Station
Augusta, ME 04333

Sen. Anne Beebe-Center, Chair
Rep. Suzanne Salisbury, Chair
Joint Standing Committee on Criminal Justice
and Public Safety
Maine State Legislature
100 State House Station
Augusta, ME 04333

Re: ***LD 258, General Fund Budget for FY24-25, Part A (p. 154), State Support for County Jail Operations – Supplemental Information***

Dear Sen. Rotundo, Rep. Sachs, and Members of the Appropriations and Financial Affairs Committee;
Sen. Beebe-Center, Rep. Salisbury, and Members of the Criminal Justice and Public Safety Committee:

Last month, our Association provided comments to the Committees regarding the amount of funds to be allocated to the County Jail Operations Fund to support county jail operations. In our February 14th letter, we suggested that the amount of money currently listed in the Budget should be increased to reflect inflation, subject to our efforts to develop a more formal projection of costs in the upcoming biennium. In the intervening weeks, we have worked to obtain granular data from each of the sixteen counties regarding jail expenditures, and this letter provides this historic expenditure data as well as projections for the state share in the upcoming biennium. Based on that information, we would ask the Legislature to consider amending this part of the Biennial Budget to reflect these newly projected numbers.

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.

Current Budget Proposal regarding County Jail Operations. In the proposed Budget presented to the Legislature, the County Jail Operations Fund is funded at \$20.4 million for FY24 and FY25. This amount reflects no increase from the prior biennium despite substantial annual increases in county jail operating costs.

The Legislature may increase the state share. Current state law states that the annual State contribution to the County Jail Operating Fund be set at \$20.4 million. Current law also provides that the Legislature may allocate additional funds.

Supplemental Comments of MCCA re LD 258, County Jail Expenditures

March 23, 2023

Page 2

Projection of County Jail Operating Costs. Last month, when our Association provided comments to the Legislature regarding county jail operating costs, we projected that costs would track inflation. Since that time, we have obtained jail funding data from each of the sixteen counties confirming that annual jail expenditures over the past four years appear to be tracking the current rate of inflation at 6.98% per year. We also analyzed the annual percentage represented by the state share of county jail expenditures over the past four years, and the state share averages to 20.27% per year. Utilizing the above figures, we calculated our recommendations for a state share for each year of the biennium, as shown in the table below.

	Projected Jail Expenditures	Projected State Share
2024	\$115,559,346	\$23,423,879
2025	\$122,555,588	\$24,842,018

How we arrived at these figures. The figures above are explained more fully in the attached spreadsheet that relies on the following assumptions:

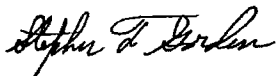
1. Actual county jail expenditures for the calendar years ending in 2020, 2021, and 2022 (most counties budget based on calendar years).
2. Budgeted jail expenditures for the calendar year ending 2023 (since this year is ongoing).
3. Projections of jail expenditures in the years 2024 and 2025. We derived these figures by calculating the average annual increase for the four years for which we have data (2020-23), and applying that average increase (6.98%) to the 2023 budget numbers to derive the 2024 data, and then applying that same percentage to the 2024 project to derive the 2025 projection.
4. Separately, we analyzed the average state share of county jail expenditures for the four years for which we have data, and this share averaged out to 20.27% per year. Using this average annual state share, we multiplied the 2024 and 2025 expenditure projections by 20.27% to arrive at a projected state share for the two years of the upcoming biennium.

In making these projections, we recognize that there are unforeseeable variables such as future inflation rates, incarceration rates, changes in law, and the like which would impact future county jail expenditures. However, since these variables cannot be predicted with any accuracy, we hope the data we have presented represents a meaningful projection of future jail expenditures.

What is the appropriate state share of county jail expenditures? County jails provide a service that meets the needs of counties and the entire State. Given these shared benefits, the State has historically made a financial contribution to county jail operations. Over time, these annual state contributions have increased to reflect inflation and other cost pressures. This approach is fair and helps ensure that the local property taxpayers who finance county operations are not disproportionately burdened as annual jail expenditures rise due to inflation. With this as a backdrop, we respectfully request that the current Biennial Budget be amended to maintain the state share that has been maintained in recent years.

Conclusion. Based on the new data provided in this letter, we respectfully request that the Biennial Budget be amended in Part A (p.154) to increase the state contribution to the County Jail Operating Fund to the amount of **\$23,423,879** for **FY2024** and **\$24,842,018** for **FY2025**. We appreciate your consideration of this data and information. If you have questions or need additional information, please do not hesitate to let us know.

Respectfully submitted,



Stephen Gorden
Chair, Legislative Policy Committee

Supplemental Comments of MCCA re LD 258, County Jail Expenditures
March 23, 2023
Page 3

cc: Commissioner Randall Liberty, Maine Department of Corrections
MaryAnne Turowski, Senior Advisor, Office of Governor Janet Mills
Mary-Anne LaMarre, Maine Sheriffs Association
Rebecca Graham, Maine Municipal Association
Commissioner Richard A. Dutremble, President, MCCA
James I. Cohen, Verrill Dana, LLP, MCCA Legislative Counsel

Maine County Commissioner's Association
Jail Funding 2020-2025
March 23, 2023

County/Year	Actual 2020	Actual 2021	Actual 2022	Budget 2023	Projection 2024	Projection 2025
Androscoggin	\$ 6,703,368	\$ 7,170,709	\$ 7,678,750	\$7,923,248		
Aroostook	\$ 3,811,977	\$ 3,868,954	\$ 4,124,484	\$4,657,006		
Cumberland	\$ 18,504,975	\$ 18,904,167	\$ 19,433,391	\$22,405,905		
Franklin	\$ 2,041,141	\$ 2,093,218	\$ 2,277,774	\$2,346,231		
Hancock	\$ 2,711,816	\$ 2,897,363	\$ 2,861,449	\$2,983,090		
Kennebec	\$ 8,066,286	\$ 9,059,300	\$ 9,541,394	\$9,881,291		
Knox	\$ 3,731,917	\$ 3,778,946	\$ 3,729,902	\$4,733,070		
Oxford	\$ 2,127,346	\$ 2,396,631	\$ 2,238,855	\$2,966,549		
Penobscot	\$ 10,753,942	\$ 11,424,881	\$ 13,571,604	\$13,620,084		
Piscataquis	\$ 1,592,041	\$ 1,549,120	\$ 1,586,213	\$1,913,916		
Somerset	\$ 7,096,563	\$ 6,915,405	\$ 7,448,290	\$9,271,304		
Two Bridges Regional Jail	\$ 6,350,991	\$ 6,011,632	\$ 6,131,623	\$6,807,385		
Waldo	\$ 3,089,211	\$ 2,825,660	\$ 3,084,409	\$3,649,410		
Washington	\$ 2,475,449	\$ 2,500,340	\$ 3,006,235	\$3,171,700		
York	\$ 9,276,816	\$ 9,544,546	\$ 10,812,746	\$11,689,391		
Total	\$ 88,333,839	\$ 90,940,872	\$ 97,527,119	\$108,019,580	\$115,559,346	\$122,555,588
Counties's Increase/yr %		2.95%	7.24%	10.76%	6.98%	6.98%
Avg. Annual Increase (County)	6.98%					
	\$18,500,000	\$18,500,000	\$20,400,000	\$20,400,000	\$23,423,879	\$24,842,018
% of State Funding for Jails	20.94%	20.34%	20.92%	18.89%	20.27%	20.27%
Average State Funding %	20.27%					