



# Maine Sheriffs' Association

*"One Team, One Mission"*

**Sheriff Scott Nichols, President**

Sheriff Troy Morton, 1<sup>st</sup> Vice-President, Sheriff Scott Kane, 2<sup>nd</sup> Vice-President – Sheriff Barry Curtis, Secretary –  
Sheriff Todd Brackett, Treasurer – Sheriff Dale P. Lancaster, Immediate Past President –  
Sheriff Kevin Joyce, Past President-at-Large - Mary-Anne LaMarre, Executive Director

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## MEMORANDUM

**DATE:** February 29, 2024

**TO:** The Honorable Members of the 131<sup>st</sup> Legislature

**FROM:** Sheriff Scott Nichols o/b/o Maine Sheriffs Association

**SUBJECT:** Supplemental Budget Request

**Findings pertaining to the Governor's budget recommendations.**

In 2022, the 130th legislature passed L.D. 1654 – An Act To Stabilize State Funding for County Corrections, with the generous assistance of Mary Anne Turowski from your office. The preamble of the bill states, "Whereas, current laws regarding county jail funding standards and tax assessments for correctional services do not address the needs of the counties for stable and predictable funding with which to operate the county jails in a professional and fiscally responsible manner;" As a result of this work, M.S.R.A. Title 34-A, §1210-F created the County Corrections Professional Standards Council (the Council), and it is on the Council's direction that I am submitting this request.

The Council is directed to develop budget recommendations for the department related to the County Jail Operations Fund (established in section 1210-E), "the recommendations for which must be submitted to the commissioner and the Governor as part of the State's biennial budget process; to make supplemental county jail funding recommendations to the department related to the fund as may be needed from time to time to address shortfalls, emergencies or other needs;"

The Council scrutinized the needs of county and regional jails for several weeks and on December 12, 2023, voted to present a request for 7.8 million dollars to cover the identified shortfalls presented to the Council. Currently, the County Jail Operations Fund has been flat funded through June 30, 2025.

There are many factors that can be attributed to the shortfalls counties are experiencing, such as increased fuel costs, skyrocketing medical expenses, and fixed personnel costs. We know the State's correctional system was funded at an increase of more than 10% for this biennium due to many of those same cost drivers. A prominent factor that is driving this shortfall is the

overwhelming population of pre-trial inmates currently housed in our county and regional jails. Using data provided from the Maine Department of Corrections, 83% of the residents in Maine's jails were pre-trial inmates during the week of January 12 – January 18, 2024. The wellbeing of these inmates falls to the counties, yet the backlog is directly attributed to the State's court system and their backlog of cases.

Maine jails were designed to stabilize those brought into the corrections system and either be released or sentenced with no one staying more than nine months. The reality is that Maine jails have become the default go to when there aren't enough mental health beds and when the court system cannot process them through the system.

**CONCLUSION:**

Maine's sixteen counties deeply appreciate the Governor's commitment to funding medically assisted treatment in our jails, however, additional funding is needed to cover the costs associated with county and regional jail operations as outlined today.

Respectfully submitted,

Sheriff Scott Nichols  
President, Maine Sheriffs Association

*Our Mission: The Maine Sheriffs' Association preserves and strengthens the office of Sheriff through professional and collaborative leadership with integrity and compassion; enabling Maine Sheriffs to best protect the citizens they serve. Maine's sixteen sheriffs, with over five hundred and sixty-three years of service combined, are unlike other law enforcement professionals as they are elected to serve by the voters of Maine communities. Each sheriff was voted into office to serve their county as the highest-ranking county law enforcement officer. The privilege and responsibility that comes with this role is paramount to all sixteen of us.*

**Funding Analysis of PL 412 (7/11/23) - MDOC Funding vs. Jail Funding  
for FY24 & FY25**

MDOC Funding PL 412 (July 11, 2023)			Jail Funding PL 412 (July 11, 2023)	
Cost	Total Change 24	Total Change 25	Total Change 24	Total Change 25
<b>General Funds</b>			<b>\$0.00</b>	
Medical	7,935,146	9,591,522		
IT	870,833	878,979		
Food	471,158	471,158		
Service Center	49,731	104,760		
AG	22,702	22,702		
Risk Mgmt	95,018	95,018		
Transitional Housing Bangor	112,300	112,300		
Short Term Housing Assistance	10,000	10,000		
Lease Contracts	88,993	88,993		
Cleaning Contract	16,000	16,000		
Fuel	1,369,536	-		
Electricity	181,073	181,073		
Septic Transport	700,000	700,000		
Elder Victims Restitution	-	-		
Waste Water Treatment	59,244	63,095		
<b>Total General Fund</b>	<b>11,981,734</b>	<b>12,335,600</b>		
	0	0		
<b>Federal Funds</b>				
Grant Award Alignment	472,750	472,750		
<b>Other Special Revenue</b>				
Allotment Increase	20,000	20,000		
Elder Victims Restitution	20,000	20,000		
<b>Prison Industries</b>				
Risk Management	462	462		
<b>Total Appropriation</b>	<b>12,474,946</b>	<b>12,828,812</b>	<b>\$0.00</b>	

## County Jail Operations Fund - FY24 Supplemental Request - Unfunded State Mandates

County	Unfunded Mandate	FY24 Fiscal Impact	Justification
Aroostook	Public Law 732 (5/5/22) - Medication Assisted Treatment	\$ 117,952	Public Law 732, May 5, 2022, Sec. C-1. 34-A MRSA §1208-B, sub-§4B; Medication Assisted Treatment (MAT) "shall" requirements. PL 732 mandated seven "shall" requirements with no fiscal note to fund these requirements: 1. Screening on intake using evidence-based tools to assess the risk of overdose or withdrawal and the person's history of substance use disorder and to determine initial treatment options; 2. Medically managed withdrawal treatment consistent with evidence-based medical standards; 3. All forms of medication for addiction treatment, including at least one of each formulation of each United States Food and Drug Administration-approved medication-assisted treatments for substance use disorder, including alcohol use disorder and opioid use disorder, to ensure that each person receives the particular formulation found to be the most effective at treating and meeting the person's individual needs. Medication under this subparagraph must be offered for the duration of the person's incarceration; 4. Behavioral treatment options, such as group and individual counseling, and clinical support; 5. Peer support services; 6. Reentry planning and transitional support such as coordination with community-based treatment and case management service providers and recovery organizations to ensure reentry and continuity of care after release, including appointments for services made prior to release; and 7. Assistance in obtaining health insurance prior to release.
Cumberland	PREA A.6 Mandatory	\$ 93,526	The Administrator shall maintain a system to monitor facility operations and programs to ensure compliance with written policies and procedures and standards. Facility compliance monitoring should be managed by a supervisory level staff person.
Cumberland	PREA A.7 Mandatory		The Administrator shall employ or designate a supervisory level Prison Rape Elimination Act (PREA) Coordinator with sufficient time and authority to develop, implement, and oversee facility efforts to comply with the PREA standards.
Cumberland	Medical Assisted Treatment Staffing & Supplies	\$ 240,081	The clinical management of chemically dependent inmates with a substance use disorder includes at a minimum the following: a.) A standardized diagnostic needs assessment; b.) An individualized treatment plan, which must include medication-assisted treatment (MAT) for inmates with a substance use disorder if determined necessary by the responsible health care provider; c.) Prerelease relapse prevention education, including risk management; and d.) Inmate involvement in aftercare discharge plans, including referrals for continuity of care in the community. This number does not include transitional wrap-around services upon release from the jail.
Cumberland	State Sanctioned Stats 7/2022-6/2023*	\$ 1,404,100	Classes A, B, C & MU 56,164
		\$ 147,075	Judgement & Commitment 5,883
		\$ 133,000	Probation 5,320
Cumberland	State Sanctioned Stats 7/2023 - 10/2023*	\$ 557,500	Classes A, B, C & MU 22,300
		\$ 37,725	Judgement & Commitment 1,509
		\$ 41,125	Probation 1,645
	*Note \$25.00 is used as it is in State Statute. Current per day rate for County is \$85.00		
Franklin	Medical Services (MAT)	\$ 48,500	Public Law 732, May 5, 2022, Sec. C-1. 34-A MRSA §1208-B, sub-§4B; Medication Assisted Treatment (MAT) "shall" requirements. Increased cost associated with mental health, SUD(Substance Use Disorder), pharmaceutical servicer contract. Old vendor was not fulfilling the terms and we had to get a new servicer in April that came with this increase.
Franklin	state sanctioned inmates	\$ 550,200	From October 1, 2022 to October 23, 2023 Franklin County housed 677 inmates for a total of 6,784 days. Out of those 677 inmates, 96 are considered "State Sanctioned". However that 96 accounted for 5,552 days served. If we were able to receive compensation at 100 dollars per day per inmate. The county would have recieved \$555,200.
Franklin	inmates served over 9 months	\$ 73,600	Out of the total amount, two of our inmates served over 9 months, one for 294 days, the other for 442 days. The cost for both would have been 73,600 dollars at 100 dollars per day.
Franklin	MAT	\$ 59,135	Cost of annual mental Health and Suboxone perscription coverage required by the State to provide the inmates.
Hancock	Medical Services	\$ 150,000	Increased cost associated with mental health, substance use disorder, pharmaceutical 34-A MRSA §1208-B,sub 4B; mandated requirements
Kennebec	Public Law 732 (5/5/22) - Medication Assisted Treatment	\$ 956,348	See Aroostook Justification (PL 732)
Knox	Increased Medical & Mental Health Care Costs	\$ 767,000	See Aroostook Justification (PL 732)
Oxford	Increased Medical & Mental Health Care Costs	\$ 96,766	Increasing jail medical costs (PL 732).
Penobscot	Inmate Medical & Counseling	\$ 500,000	Mandated increased level of SUD and Mental Health programming (PL 732).

## County Jail Operations Fund - FY24 Supplemental Request - Unfunded State Mandates

County	Unfunded Mandate	FY24 Fiscal Impact	Justification
Piscataquis	Public Law 732 (5/5/22) - Medication Assisted Treatment	\$ 131,250	See Aroostook Justification (PL 732)
Piscataquis	Title 34A §3031Rights	\$ 33,512	Outside of medical contract.1.Hospitalization Costs i.e. X-Rays, CAT Scans, Lab Work 2. ER or Madical Specialists 3. Dental 4. non-suboxone RXs
Piscataquis	Title 25 §2804 Basic Corrections Training	\$ 4,487	Academy Training/Certification 7 people per year at \$641 each.
Somerset	Public Law 732 (5/5/22) - Medication Assisted Treatment	\$ 300,000	See Aroostook Justification
Somerset	Public Law 732 (5/5/22) - Mental Health Case Work	\$ 150,000	Public Law 732, May 5, 2022, Sec. C-1. 34-A MRSA §1208-B, sub-§4B; Medication Assisted Treatment (MAT) "shall" requirements. PL 732 mandated the following "shall" requirement with no fiscal note to fund this requirement: C. Each jail shall provide mental health treatment, including at a minimum providing a licensed clinician or licensed professional organization that will be available to assist an inmate who is a person receiving mental health treatment. Mental health treatment required by this paragraph may be provided at the jail at which the person resides or at another jail or correctional facility or by a service provider or entity working under a contract with the jail at which the person resides.
Somerset	State Sanctioned Inmates	\$ 885,000	State-sanctioned prisoner means a person committed to the custody of the sheriff and held in a county jail or regional jail because the person: Is being held as a result of an arrest, indictment or conviction of murder or a Class A, B or C crime; Is being held for the purposes of a mental examination or treatment pursuant to Title 15, section 101-D; Is being held pursuant to an order of the court finding the person in contempt of court pursuant to Maine Rules of Civil Procedure, Rule 66 or Maine Rules of Unified Criminal Procedure, Rule 42; or is being held in execution of consecutive sentences that together exceed 9 months in duration. (Calculation based on 25% of increased costs from FY20 to FY24 due to increases in employee costs, medical coverage for inmates and utility costs)
TBRJ	Inmate Medical/RX	\$ 99,518	Increase in boarders drive consumption Boarding contract does not cover actual expenses MAT Program cost in excess of State funding
York	MAT/SUD treatment - increased costs	\$ 255,000	PL 732 Mandates
<b>Unfunded State Mandates Request</b>		<b>\$ 7,832,400</b>	