



County Corrections Professional Standards Council

LD 210, Biennial Budget, County Jail Operations Fund, Account Z227 (p.A-149)

February 4, 2025

Senator Rotundo, Representative Gattine and esteemed members of the Committee on Appropriations and Financial Affairs: (Senator Beebe-Center, Representative Hasenfus and esteemed members of the Criminal Justice and Public Safety Committee),

My name is Tim Curtis, Somerset County Administrator, President of the Maine Association of County Clerks, Administrators and Managers, and appointed member of the County Corrections Professional Standards Council (CCPSC)

The CCPSC was established by the Legislature in 2022 with the statutory duty of making recommendations to the Governor regarding appropriate funding levels for the County Jail Operating Fund.

In December of this past year, the CCPSC presented an initiative to Commissioner Figueroa to increase the baseline statutory appropriation of \$20.4 million for the Jail Operations Fund by **\$28,303,036 for this biennium (FY26 \$13,770,151, FY27 \$14,532,885)**. The Council included 7 pages of county data to support the request based on a portion of the mandated costs associated with operating county jails in the State of Maine. The increase proposed by the CCPSC is focused on the rising costs of treatment for substance use disorder and mental health.

The Governor’s Budget reduced that request from \$28.3M to \$8M spread over each year of the biennium. This amount equals the level of funding provided to county jails for FY25 with no further annual increases, even to reflect inflation. At this level of financial support, the State contributes less than 20% of the overall cost of operating County Jails notwithstanding the fact that the primary function of our county jails is to support the statewide criminal justice system over which county government has relatively little control.

The reason additional support for county jails is needed reflects not only the primary role played by the State of Maine with respect to county jails, but it also reflects the growing reality that County Jails are on the front lines of treatment for individuals at a point of crisis.

Jails process thousands of people each year. 60% are classified with a mental health disorder, 75% are classified with substance use disorder. Jails partner with doctors and health care providers to makes sure treatment is available. Below is a sample from five County facilities.

County Jails 2024	INTAKE	SCREENED	MENTAL HEALTH	%
ANDROSCOGGIN	3081	1952	958	49.08%
CUMBERLAND	5501	3427	2642	77.09%
KENNEBEC	2136	1050	683	65.05%
PENOBSCOT	4280	1701	727	42.74%
SOMERSET	1361	639	376	58.84%
Totals	16359	8769	5386	61.42%

There are significant costs associated with medical assisted treatment (MAT). On the average, Maine's 15 County Jails spend \$913,000 per year to provide this noble and necessary service for the State.

Yet, the increasing costs are being pushed down to the property taxpayer. County Governments are forced to either run their jails at a budget deficit or increase the burden to the property tax payer; in many cases, counties do both. For every dollar it takes to operate a county jail, 20% on average has been provided by the State in recent years, and that share drops lower over this biennium under the proposed budget. The remaining 80% falls to the local property taxpayer, a property taxpayer that has no control over the number of individuals processed through the jail system.

County jails primarily serve a state purpose. The majority of the individuals served by county jails are incarcerated through the state's criminal justice system, including awaiting trial before state courts, charging decisions made by state prosecutors, state law criminalizing certain behaviors, arrests by state police, operational standards dictated by the State Department of Corrections and statute, and sentencing by state courts requiring county incarceration. Counties have little control over incarceration, yet county and local property taxpayers pick up most of the costs.

Turning to the budget itself, on page A-149 of the proposed FY26/27 budget, the Governor's initiative provides funding for the County Jails for medication assisted treatment and medical care recently mandated in Public Law 2021, chapter 732, Part C.

The initiative is to add \$4,000,000 to the current level of Jail Funding of \$20,342,104 for both years of the biennium budget. By contrast, the CCPSC's initiative is to add \$13,770,151 for year one and \$14,532,885 for year two. The difference is illustrated below:

Current Jail Funding	\$20,342,104	Current Jail Funding	\$20,342,104
<u>Governor's Initiative</u>	<u>\$4,000,000</u>	<u>CCPSC Initiative</u>	<u>\$13,770,151</u>
Total	\$24,342,104	Total	\$34,112,255
		Current Jail Funding	\$20,342,104
		<u>CCPSC Initiative</u>	<u>\$14,532,885</u>
		Total	\$34,874,989

For these reasons, we respectfully ask the Legislature to fund the County Jail Operating Fund at the level requested by the CCPSC, which totals \$34,874,989 for the biennium. Thank you for your consideration of the CCPSC's initiative to balance the jail funding burden.



Tim Curtis. Somerset County Administrator

Attachment A - §1208-B. Standards, policies and procedures applicable to jails

1. Establishment. The commissioner shall establish mandatory standards, policies and procedures for jails. The standards, policies and procedures must be established by rule and must be evidence-based, must take into consideration cost impact and must reflect best practices for the administration and operation of jails. The rules must include policies and procedures for assisting jails to achieve compliance and for imposing penalties for noncompliance.

A. The standards, policies and procedures must address record keeping and reporting of financial data, capital improvement planning, jail staffing, administration and management of prisoners, transfer of inmates, notification to prisoners of prohibition on contact with victims and other persons, pretrial assessments and services, evidence-based programming, literacy programs, mental health and substance use disorder programs and correctional officer training. [PL 2017, c. 407, Pt. A, §152 (AMD).]

B. In administering and distributing funding to the jails pursuant to section 1210-E, subsection 5, the commissioner shall:

(1) Require reporting of data that indicates average daily population of prisoners, that excludes federal prisoners, that indicates sending and receiving jails for transferred prisoners and that is useful in calculating the distributions to the counties pursuant to section 1210-E, subsection 9; and

(2) Consider the performance of each jail in meeting the standards established pursuant to this section. The commissioner shall work with the jails to assist them in achieving compliance with the standards. The commissioner shall enforce the standards by imposition of monetary penalties upon a county for noncompliance by the county jail or regional jail. A monetary penalty imposed under this subparagraph may not in any fiscal year exceed the County Jail Operations Fund distribution payable to a county for a fiscal year pursuant to section 1210-E, subsection 5. [PL 2021, c. 732, Pt. D, §3 (AMD); PL 2021, c. 732, Pt. D, §7 (AFF).]

[PL 2021, c. 732, Pt. D, §3 (AMD); PL 2021, c. 732, Pt. D, §7 (AFF).]

2. Rulemaking. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

[PL 2021, c. 171, §2 (AMD); PL 2021, c. 263, §1 (AMD).]

3. Gender affirmation. The standards, policies and procedures established pursuant to this section for the county jails and regional jail must require the jails to respect and acknowledge an incarcerated person's consistently held gender identity irrespective of anatomy or physique. Housing placements and search practices must be consistent with the person's consistently held gender identity except when such placement or search would present significant management or security problems to the jail or threaten the health and safety of the person. A person must have access to commissary items, clothing, personal property, programming and educational materials that are consistent with the person's consistently held gender identity. County and regional jail staff shall address a person in a manner that is consistent with the person's consistently held gender identity.

[PL 2021, c. 263, §2 (NEW).]

4. Requirements; rulemaking by commissioner. The jails shall operate in accordance with best practices applicable to facilities of their type and size, including the mandatory standards,

policies and procedures established by rules adopted by the commissioner under subsection 1 and standards adopted under section 1208, and with the following requirements as set forth in rules adopted by the commissioner. In adopting rules and standards for the jails, the commissioner shall consider the advisory input of the County Corrections Professional Standards Council established pursuant to Title 5, section 12004-G, subsection 6-D.

A. Each jail shall participate in coordination of inmate transportation. Coordination of transportation may be provided by the jail at which the inmate resides, by another jail or correctional facility or by a person or entity working under a contract with the jail at which the inmate resides. [PL 2021, c. 732, Pt. C, §1 (NEW).]

B. Each jail shall provide access to substance use disorder screening, assessment, medication, treatment, recovery and reentry services, including at a minimum:

(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.

Substance use disorder services 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. [PL 2021, c. 732, Pt. C, §1 (NEW).]

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. [PL 2021, c. 732, Pt. C, §1 (NEW).]

D. Each jail shall provide community programs and services as required by this subchapter, including at a minimum pretrial or conditional release, alternative sentencing or housing programs and electronic monitoring. [PL 2021, c. 732, Pt. C, §1 (NEW).]

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. [PL 2021, c. 732, Pt. C, §1 (NEW) .]

[PL 2023, c. 135, §3 (AMD) .]

5. Requirements; rulemaking by the council. The jails shall operate in accordance with rules adopted pursuant to this subsection. The County Corrections Professional Standards Council, established pursuant to Title 5, section 12004-G, subsection 6-D, shall adopt rules governing the collection and reporting of data by jails as necessary to implement this section. The rules may consider the cost impacts of policy decisions by jails and the State, best practices for the operation of jails, the cost-effective delivery of services by jails, program participation, categories of inmates and reasons for detention or incarceration. In adopting data collection rules, the council shall at minimum require jails to report the following data:

A. The revenues and expenses associated with operating the jail; [PL 2021, c. 732, Pt. C, §2 (NEW) .]

B. The population of persons detained or committed to the custody of the sheriff. The rules must require population reporting on a daily basis and must provide data to the department on actual daily population of persons who are detained or incarcerated and persons on all forms of community release. Population data must be reported in the format required by the rule; and [PL 2021, c. 732, Pt. C, §2 (NEW) .]

C. The funds used for programs and services as required by section 1208-B, subsection 4, paragraph B. [PL 2021, c. 732, Pt. C, §2 (NEW) .]

The council shall establish the rules, definitions and reporting requirements for a centralized data system for county jails.

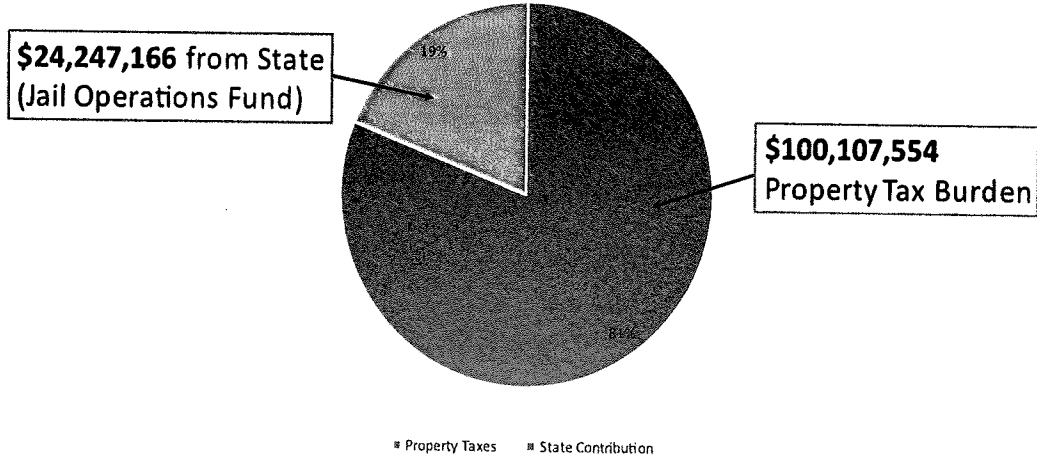
[PL 2021, c. 732, Pt. C, §2 (NEW) .]

Attachment B – Maine Constitution Article IX

Section 21. State mandates. For the purpose of more fairly apportioning the cost of government and providing local property tax relief, the State may not require a local unit of government to expand or modify that unit's activities so as to necessitate additional expenditures from local revenues unless the State provides annually 90% of the funding for these expenditures from State funds not previously appropriated to that local unit of government. Legislation implementing this section or requiring a specific expenditure as an exception to this requirement may be enacted upon the vote of 2/3 of all members elected to each House. This section must be liberally construed.

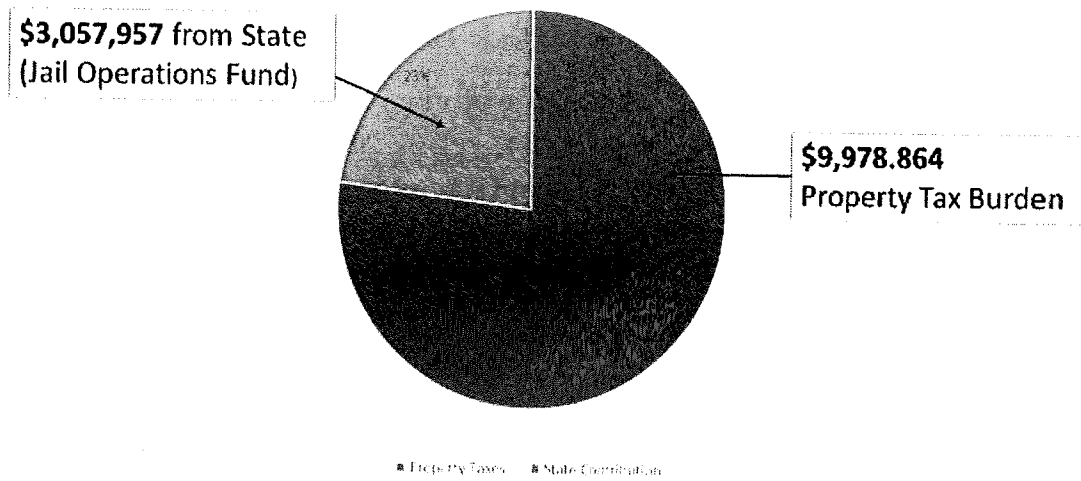
Maine County Jails

FY25 Budget(s) \$124,534,720



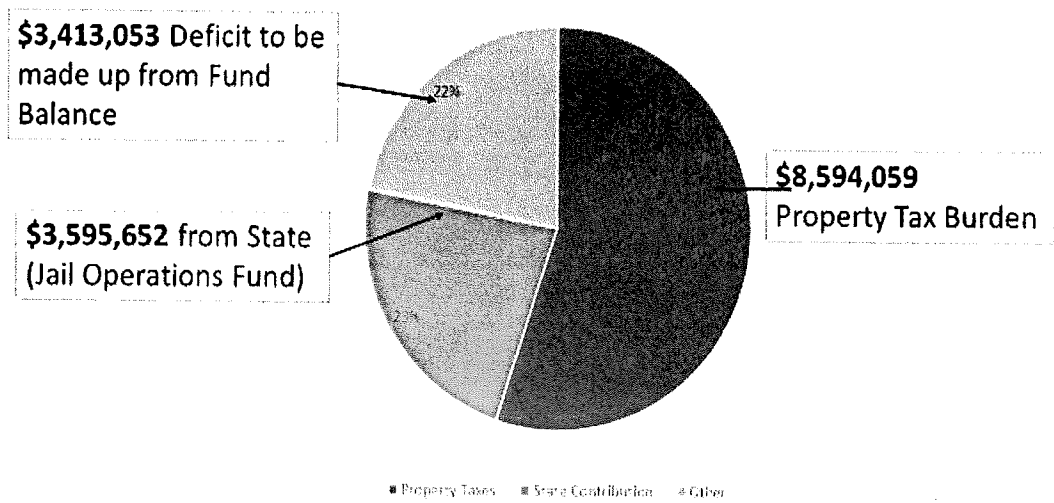
Kennebec County Jail

FY25 Budget 13,036,841



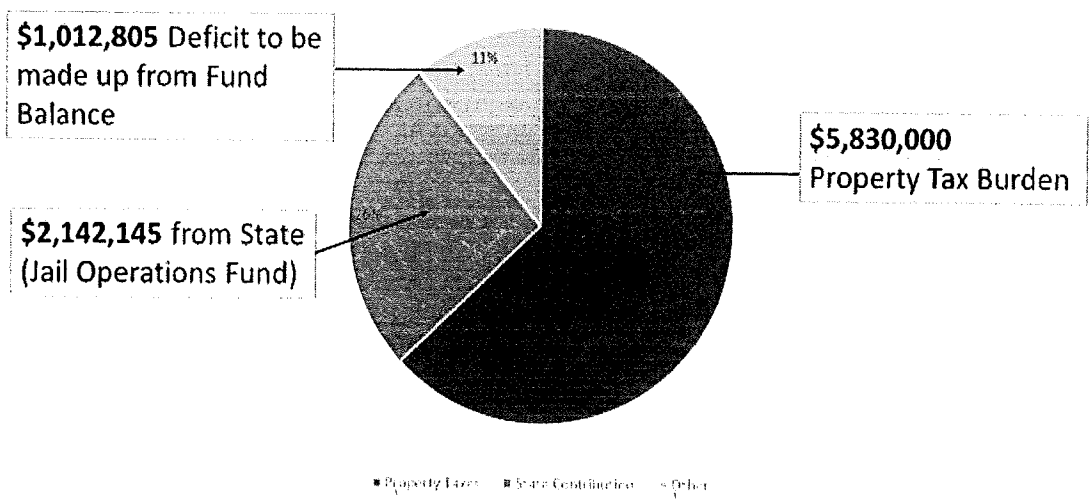
Penobscot County Jail

FY25 Budget \$15,678,764



Androscoggin County Jail

FY25 Budget \$9,255,050



County Jails	FY2025 Budgets	State CJOF Funding FY25	FY25 Supplemental MAT	Total State	State %	Property Tax Funded	Property Tax %
ANDROSCOGGIN	\$ 9,255,050.00	\$ 2,412,245.00	\$ -	\$ 2,412,245.00	26.06%	\$ 6,842,805.00	73.94%
AROOSTOOK	\$ 5,937,532.00	\$ 1,420,138.00	\$ 117,952.00	\$ 1,538,090.00	25.90%	\$ 4,399,442.00	74.10%
CUMBERLAND	\$ 20,869,148.00	\$ 3,485,706.00	\$ 240,081.00	\$ 3,725,787.00	17.85%	\$ 17,143,361.00	82.15%
FRANKLIN	\$ 3,166,309.00	\$ 397,375.00	\$ 107,635.00	\$ 505,010.00	15.95%	\$ 2,661,299.00	84.05%
HANCOCK	\$ 3,219,278.30	\$ 760,915.00	\$ 150,000.00	\$ 910,915.00	28.30%	\$ 2,308,363.30	71.70%
KENNEBEC	\$ 13,036,841.00	\$ 2,101,629.00	\$ 956,348.00	\$ 3,057,977.00	23.46%	\$ 9,978,864.00	76.54%
KNOX	\$ 5,973,856.00	\$ 530,278.00	\$ 767,000.00	\$ 1,297,278.00	21.72%	\$ 4,676,578.00	78.28%
OXFORD	\$ 3,357,101.00	\$ 608,895.00	\$ 96,766.00	\$ 705,661.00	21.02%	\$ 2,651,440.00	78.98%
PENOBSCOT	\$ 15,678,764.00	\$ 3,095,652.00	\$ 500,000.00	\$ 3,595,652.00	22.93%	\$ 12,083,112.00	77.07%
PISCATAQUIS	\$ 2,113,535.00	\$ 171,656.00	\$ 164,762.00	\$ 336,418.00	15.92%	\$ 1,777,117.00	84.08%
SOMERSET	\$ 11,712,406.00	\$ 1,203,959.00	\$ 450,000.00	\$ 1,653,959.00	14.12%	\$ 10,058,447.00	85.88%
TWO BRIDGES	\$ 9,790,235.00	\$ 619,434.00	\$ 99,518.00	\$ 718,952.00	7.34%	\$ 9,071,283.00	92.66%
WALDO	\$ 4,083,485.00	\$ 853,251.00	\$ -	\$ 853,251.00	20.90%	\$ 3,230,234.00	79.10%
WASHINGTON	\$ 2,629,180.00	\$ 480,985.00	\$ -	\$ 480,985.00	18.29%	\$ 2,148,195.00	81.71%
YORK	\$ 13,532,000.00	\$ 2,199,986.00	\$ 255,000.00	\$ 2,454,986.00	18.14%	\$ 11,077,014.00	81.86%
Grand Total	\$ 124,354,720.30	\$ 20,342,104.00	\$ 3,905,062.00	\$ 24,247,166.00	19.50%	\$ 100,107,554.30	80.50%