



JANET T. MILLS  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF CORRECTIONS  
111 STATE HOUSE STATION  
AUGUSTA MAINE  
04333-0111

RANDALL A. LIBERTY  
COMMISSIONER

## TESTIMONY OF

### RANDALL LIBERTY, COMMISSIONER MAINE DEPARTMENT OF CORRECTIONS

March 3, 2025

#### In Opposition to:

#### LD 719, An Act to Amend the Share of State Funding for the County Jail Operations Fund

Senator Beebe-Center, Representative Hasenfus and distinguished members of the Joint Standing Committee on Criminal Justice and Public Safety, I am Randall Liberty, Commissioner of the Maine Department of Corrections (DOC) providing testimony today in opposition to LD 719, An Act to Amend the Share of State Funding for the County Jail Operations Fund.

County jails serve an important and unique role within Maine's criminal justice system. As the primary detention centers in the state, the jails are the front line receivers of people who interact with the criminal justice system, and are often responsible for stabilizing people in elevated emotional and physical states. This is why the jails are often referred to as the emergency rooms of corrections. Jails are also the primary locations where people are held pretrial, and the jails are distributed throughout the state in a way that provides local proximity to the corresponding courts. These features mean that the counties are responsible for providing services that are unique to their role, and those services present challenges that are distinct from those faced by the Department of Corrections. In my more than 26 years serving in the Kennebec County Sheriff's Office, I learned exactly what it takes to manage and plan for those challenges.

It was an honor to serve as the elected Sheriff of Kennebec County for nine years. I served as the Chief Deputy for five years. I began my Corrections career in 1982, I worked as a Corrections Officer at the Somerset County Jail for four years. I served on the State of Maine Board of Corrections as the Maine Sheriffs representative and as the President of the Maine Sheriffs for two years. I understand the challenges that are faced by Maines County Jails.

I share all this to make it clear that I know what the counties are facing and I understand the difficulties associated with managing a county budget. I've been part of these funding conversations and attempts at collaboration, in my role as County Sheriff and my position on the Board of Corrections and as Commissioner, throughout the majority of my professional career. I was even involved in the most recent efforts to update the State's share of county jail funding in 2022, when the administration worked collaboratively with those representing the Maine Municipal Association, the Maine Sheriffs' Association, County government, lobbyist firms, and legislators to support an increase of funding to county jails, from \$18.5 million to the current state share of \$20.4 million (as established in 34-A MRS §1210-E(2)).

Unfortunately, the Administration cannot support the increase in funding outlined in this proposal for two primary reasons, outlined further below: (1) Lack of available fiscal resources; (2) Lack of data to support the increase as proposed.

First, the bill before you today increases the State's share of funding for the county jails from \$20.4 million (not including the \$4 million in the Biennial Budget proposal for MAT) to 35% of the total cost of operating the county jails. Based on the counties' estimated cumulative cost breakdown, the total cost of operating the jails is claimed to be approximately



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\$129 million, making 35% of that cost approximately \$45 million, which means this bill would increase the State share of county jail funding by about \$24.7 million. That is an increase that more than doubles the current State share of county jail funding. By now everyone is aware of the tight fiscal environment across the state. The funds necessary to double the State's share of county jail support simply do not exist.

Second, the proposed statutory language is unclear about who determines the overall cost of operating the county jails. The overall cost put forward by the counties totals \$129,071,657. However, the Administration requires more transparency on the numbers from each individual county that add up to that total claimed cost. This Administration has asked repeatedly for a transparent breakdown of how each county calculates its overall cost. Without such transparency, and without clarity in the statute about who determines the cost, an obligation to provide 35% of the overall costs presents an unpredictable fiscal impact for the State. If costs at the county level were to suddenly rise with no explanation, who would be responsible for validating that increase? Furthermore, the information the administration is seeking is subject to legal requirements established by the Legislature, as shown below. Requirements that are not fully complied with, despite repeated requests by the Department:<sup>1</sup>

- **30-A MRS §1662:** Requiring the jails to submit comprehensive financial audits to DOC for the purpose or reporting to the Legislature.
- **34-A MRS §1402:** Requiring counties to submit financial data enabling the Commissioner to assess appropriate use of State funds.
- **34-A MRS §1208-B:** Requiring the counties to adhere to State-mandated financial policies and submit timely financial reports.

The Administration has also repeatedly asked that the counties collaborate to find cost savings, and while it's nice to hear about recent efforts toward collaboration, many of those conversations have been in the works for decades with no tangible outcomes.

Just as the Legislature expects State agencies to be transparent about the cost increases in our budget proposals, the counties should also be expected to provide a clear accounting of the basis for their funding needs. Without that clear accounting, the Administration has no ability to properly evaluate the claim that the counties are underfunded. The funding obligation provided in this proposal comes with no accounting obligations or validation requirements for how it is used. Without that kind of transparency, it is very difficult for the Administration to support any proposed increase in county jail funding, especially an increase of the magnitude provided in this proposal.

Despite the opposition to this proposal, Maine Department of Corrections and the Mills' Administration remain invested in supporting the county jails and building upon our history of good faith collaborative efforts to address their funding needs. We continue to come to the table as partners and feel that good progress has been made during recent meetings of the County Corrections Professional Standards Council. We look forward to continuing the conversation of how best to support the counties in their operation of the county jails.

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<sup>1</sup> **34-A MRS §1210-E:** Is another statute requiring the county jails to submit detailed financial reports documenting allocation of funds, efficient and compliant use of funds per state regulations, and financial shortfalls and justifications for additional funding requests. It was not included in the list above because DOC only recently requested this information from the counties.



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For the reasons stated above, the Department respectfully opposes this proposal.

This concludes my testimony.

I am happy to answer any questions.

Randall A. Liberty  
Commissioner  
Maine Department of Corrections



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### Breakdown of Funding Proposal in LD 719

	Amount	Source / Calculation
<b>Current State Share of County Jail Funding</b>	\$20,342,104	For general operation of the county jails. <i>(34-A MRS §1210-E(2))</i>
<b>Proposed Increase in 26/27 Biennial Budget</b>	\$4,000,000	For Medication Assisted Treatment. <i>(as required by Public Law 2021, c. 732)</i>
<b>Claimed Overall Operational Costs of County Jails</b>	\$129,071,657	As stated in documents Counties provided to the Administration. This number is based on unaudited CRAS data input manually by the counties. <i>(CRAS is the County Reporting of Actuals System – part of the Jail Information Management System)</i>
<b>Current State Share by Percentage of Claimed Overall Costs</b>	15.7%	$\$20,342,104 \div \$129,071,657 \times 100 = 15.7$
<b>Proposed State Share by Percentage of Claimed Overall Costs</b>	35%	As proposed by LD 719.
<b>35% State Share of Claimed Overall Costs by Dollar Amount</b>	\$45,175,079.95	$\$129,071,657 \times .35 = \$45,175,079.95$
<b>Difference Between Current and Proposed State Share of Claimed Overall Costs</b>	\$24,832,975.95 <i>(additional 19.3% of state funding)</i>	$\$45,175,079.95 - \$20,342,104 = \$24,832,975.95$