



Maine County Commissioners Association

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

March 3, 2025

Chair Beebe-Center, Chair Hasenfus, and Members of the Joint Standing Committee on Criminal Justice and Public Safety. My name is Steve Gorden, a serve as chair of the board of commissioners for Cumberland County, and I come before you today in my role as co-chair of the legislative policy committee of the Maine County Commissioners Association. I also am proud to serve as chair of the County Corrections Professional Standards Council. Today, I am here to speak in strong support of LD 719.

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.

What does LD 719 do? LD 719 would set a target for the State to fund 35% of the operating costs necessary for county jails to meet standards set by the Commissioner of the Department of Corrections and required by law.

Why we support LD 719. County jails serve statewide needs – they house individuals arrested and charged with crimes pending bail hearings, those held without bail pre-trial, individuals convicted of crimes and sentenced for less than nine months (including individuals with multiple consecutive sentences where each sentence is less than nine months), and individuals the State or federal government are temporarily unable to accommodate. Unfortunately, county jails have become the place of last resort when other support systems fail –

- Approximately 75% of individuals housed in county jails are classified with a substance use disorder, and 60% are classified with a mental health disorder. Many residents are homeless. Counties have no control over who enters a jail, but the vast majority of residents who do enter county jail reflect challenges in other parts of the social safety net, and county jails must treat all such individuals.
- The daily population of county jails is 1,500 residents. However, county jails conduct over 30,000 intakes per year, meaning that county jails must constantly react to new residents with different needs, multiple times per day.
- Over 90% of the population in county jails are pre-trial. They are there awaiting final disposition of their cases, some for over 100 days or more. With the backlog of cases in the court system, and a lack of defense counsel for indigent Mainers, the burden has only become more acute – all outside the control of county jails.

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Despite the important statewide interests served by county jails, the State has historically underfunded their operations, contributing only about 20% of county jail budgets. With a lack of state support, the burden of funding county jails has fallen to local property taxpayers, whose property taxes provide the basis for county budgets. The time has come for the State to step up and cover a reasonable portion of county jail operating costs. LD 719 would set a target of 35%, which would go a long way to alleviating the burden on local property tax bills.

The current system of county jail incarceration was supposed to come with state support, which has not been fully realized. As noted above, county jails house individuals convicted of crimes with sentences under 9 months, including consecutive sentences where no one sentence exceeds 9 months. This system was established in the late 1980s to help relieve overcrowding in the state prison system as recommended by the Governor's Blue Ribbon Commission on Corrections in its December 1985 Report (relevant excerpts are included here as Attachment A). That Commission was formed to address overcrowding in the state prison system, and after extensive review, the Commission recommended that sentences under 9 months involve county incarceration to be paid for by the State of Maine through a per diem charge per individual. The report recommended that "a uniform rate of reimbursement established and reviewed annually by the D.O.C. [should] be paid to the counties, to be placed into a jail account, for all such sentenced offenders confined to their facilities." *Report at p. 16*. Ultimately, the law was modified to house individuals with sentences under 9 months into county jail, but the per diem compensation charges are not currently in place.

- ☐ If the State of Maine were paying a per person, per day charge today, the cost would be approximately \$150/day per resident. These payments are not being made by the state.
- ☐ Even though county jails only house residents with sentences under 9-months, judges often impose consecutive sentences well in excess of 9-months, but as long as none of the individual sentences exceeds 9 months, that individual is assigned to a county jail, not state prison.
- ☐ When a resident of a state prison is released on probation, that individual is incarcerated in a county jail for probation violations awaiting hearing, which can be 20-40 days. The state provides no compensation to the county jail for such incarcerations of their residents on probation.

Unfunded mandates. Under Maine's constitution, when state laws or rules impose costs on a unit of government, the state is responsible for 90% of the costs unless otherwise approved by both houses of the Maine Legislature with a 2/3 vote. Currently, county jails are mandated to provide a wide range of services to individuals who are incarcerated, and state law determines when an individual should be housed in a county jail. Most if not all of these requirements were not approved by the required 2/3 vote of each house of the Legislature – recognizing that some of the requirements may be a function of constitutional requirements or standards adopted prior to the addition of the mandate clause to the Maine Constitution.

In December 2024, the County Corrections Professional Standards Council recommended that state support for county jails meet a greater percentage of county jail operating costs. This Budget falls short of the Council's request by nearly \$20M over the biennium. The County Corrections Professional Standards Council is a legislatively created body established in 2021, in part, to develop budget recommendations for the Department of Corrections and the Governor as part of the biennial budget process. The Council is comprised of two county commissioners, two sheriffs, the Commissioner of Corrections, a designee of the Commissioner, and a representative from the Maine Municipal Association. This fall, after seeking and receiving detailed budget and expenditure data from all 16 counties, the Council recommended that the State's contribution to county jails should cover the minimum amount set by statute (\$20.4M) plus additional funding for State mandates imposed on jails for

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inmate health care, mental health services, and MAT. For FY26, that amount is \$13.6M, and for FY27 that amount is \$14.3M. Notably, these amounts reflect only a portion to the costs of county jails tied to State directives and services provided to the State. These amounts are reflected in the table provided above, including the shortfall between the proposed budget and the amounts requested by the Council. MCCA is asking the Legislature to fully fund the budget request of the Council, which would translate into additional funding beyond what is in the Governor's proposed budget.

County jails have worked to find efficiencies and operational savings. Periodically, counties are asked whether there are opportunities to reduce operating costs by finding more ways for jails to cooperate or find other efficiencies. In this regard, counties have looked for ways to find efficiencies and collaborate in a number of areas as noted below. And counties hope to find other opportunities to collaborate and look forward to working with the Department of Corrections on such opportunities through the Professional Standards Council.

More specifically, it is important to note that county jails are in constant communication because they have a common goal of keeping people safe and creating positive opportunities for residents. Our collaboration is an integral part of our success. Like most government agencies, the vast majority of costs confronted by county jails are staffing and salaries which comprise 67% of the overall cost structure, no different from MDOC. Jails work to manage these costs through operational efficiencies within jails themselves. With regard to the types of efficiencies adopted or exercised by county jails, we note the following examples:

- County jails have a common financial reporting system that is required by law and maintained by the MDOC. This system is maintained by the MDOC but has become antiquated and is in need of upgrade. The new Standards Council has jurisdiction to make recommendations regarding this reporting system, but at present there is no agreement on how upgrades to the system would be financed.
- County jails have developed and coordinate a "transportation hub" in an effort to share costs associated with moving clients among county corrections' facilities. This system avoids each county duplicating transportation efforts to accomplish similar missions.
- The Two Bridges Regional Jail is a single jail facility that serves Sagadahoc and Lincoln Counties.
- Several jails in the midcoast area are currently cooperating with regard to providing specialized services to clients where each jail specializes in a particular form of treatment and houses residents with those needs.
- Cumberland and York Counties cooperate with regard to housing inmates of a particular gender, which helps keep costs down.
- Washington County, York County, and Cumberland County assist Aroostook County by exchanging residents that are either unable to be housed in their jail or are having behavior problems with their county. Those counties also hold residents who cannot be in contact with other residents because of court/case issues, such as being co-defendants, and vice-versa. This cooperative effort allows for better staff management and available bed space that the counties do on a case-by-case basis.
- All the county jails' contracted medical providers make available medical information to other county jails immediately upon request, unlike the 30-day standards followed in public practices. This exchange of information saves the jails money, time, and resources by quickly knowing the most up-to-date medical information. This helps prevent trips to the emergency departments for complaints that are not acute but historical and under treatment.
- Through county jail cooperation and coordination with the courts, county jails now conduct most initial court appearances and bail reviews for residents using in-house video systems. This system creates substantial savings in transportation and personnel costs.

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- Video systems and cooperative arrangements allow county jails to share resources with other counties, such as medical specialists, medication-assisted treatment for substance use disorder, medical reviews, and counseling for medical and mental health.
- Washington, York, Cumberland, Somerset, Penobscot, Two Bridges, and Androscoggin often share essential resources with needed items such as mattresses and floor cots.
- All county jails share and collaborate on procedures for disease control, use of force, medications for substance use disorder, medical screening, and mental health screening. They also share Maine Criminal Justice Academy instructors for teaching courses at the Academy for the basic corrections school.

Conclusion. We appreciate the opportunity to provide testimony in strong support of this bill. If you have questions or need additional information, please do not hesitate to let us know.

cc: Commissioner Andre Cushing, President, MCCA