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TESTIMONY OF

SAM PRAWER, DIRECTOR OF GOVERNMENT AFFAIRS MAINE DEPARTMENT OF CORRECTIONS

March 31, 2025

Neither for nor against:

LD 822, An Act to End the Collection of Certain Probation Fees

Senator Beebe-Center, Representative Hasenfus and distinguished members of the Joint Standing Committee on Criminal Justice and Public Safety, I am Sam Prawer, Director of Government Affairs at the Maine Department of Corrections (DOC) providing testimony today neither for nor against LD 822, An Act to End the Collection of Certain Probation Fees.

This bill eliminates three categories of supervision fees currently applicable to Department of Corrections probation clients. Those fees are summarized as follows:

- **17-A MRS §1807(6):** Stating that the court shall impose as a condition of probation a supervision fee between \$10 and \$50 per month, and if the court does not impose a fee, then the fee is set by statute at \$10 per month. Revenue from these fees accrue to the state General Fund.
- **17-A MRS §1807(8):** Stating that the Department of Corrections may impose a fee of \$25 for a person to apply for permission to temporarily leave the jurisdiction of the court; and an additional fee of \$25 per month for supervision during the time spent outside the jurisdiction of the court. Revenue from these fees accrue to the Department of Corrections.

**This list does not include two other provisions repealed by this bill (17-A MRS §1752 and 17-A MRS §1754) because these provisions are about the authority to impose the fees listed above.*

As a matter of policy, the department does not oppose eliminating fees for general supervision under §1807(6). Currently, courts do not have the discretion to determine whether the fees are even appropriate, and failure to pay these fees could result in revocation of a person's probation, unless the person shows the court that failure to pay was not attributable to a willful refusal to pay or to a failure on that person's part to make a good faith effort to obtain the funds required for the payment. However, as a fiscal matter, the department cannot support the elimination of these fees, due to the fiscal impact on the General Fund. A chart is provided below which shows the revenue collected under this provision over the last three years.

General Supervision Fees under 17-A MRS §1807(6)

Fiscal Year	2022	2023	2024
Revenue Collected	\$274,542	\$239,269	\$200,056

Accrues to state General Fund



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However, the department does oppose the elimination of applicable fees under §1807(8), both as a matter of policy and as a matter of fiscal impact. The fees under §1807(8) are discretionary and they exist to cover costs associated with application and supervision of clients when they temporarily leave the jurisdiction of the court (travel outside the State of Maine). As a baseline, probation is a term of court ordered supervision with specific conditions that must be followed. The ability to enforce these conditions is based on the ability of the relevant oversight authorities to monitor and supervise probation clients – oversight which requires a person to remain answerable to the relevant court of jurisdiction. Providing that supervision outside of the jurisdictional boundaries of the State requires partnerships with other states, and it is simply not an expense provided for in the baseline operating costs of the department. The fees under this provision are designated, by statute, for use “to defray costs associated with processing the applications, including, but not limited to, the cost of materials, equipment, training for probation officers and administration, and for the department's share of the costs of extraditing persons on probation who are fugitives from justice.” These fees are how the state has chosen to fund the added burden of allowing probation clients to travel outside the jurisdiction of the court. However, they are discretionary and can be waived when appropriate, unlike the fees imposed under §1807(6). Due to the extremely tight fiscal environment currently faced by the state, the department simply would not be able to grant these periodic leaves from Maine without the revenue provided under this section. A chart is provided below which shows the revenue collected under this provision over the last three years.

Out of Jurisdiction Travel Supervision Fees under 17-A MRS §1807(8)

Fiscal Year	2022	2023	2024
Revenue Collected	\$53,606	\$47,800	\$52,370

Accrues to Department of Corrections

The department is generally in support of reviewing and reducing punitive costs imposed on people under its supervision, but we are also supportive of the idea that there are some costs for which people should be responsible, especially when exercising privileges outside the normal boundaries of what would otherwise be allowed. While the budgetary impact imposed by this bill prevents the department from being able to support the elimination of any of the fees it repeals, we are specifically opposed to the elimination of our discretion to charge fees for out of jurisdiction travel under 17-A MRS §1807(8).

For the reasons stated above, the Department respectfully presents this testimony neither for nor against this proposal.

This concludes my testimony.

I am happy to answer any questions.

Sam Prawer
Director of Government Affairs
Maine Department of Corrections