



Maine Association of County Clerks, Administrator and Managers

LD 852 – An Act to Reduce the Property Tax Burden by Adequately Funding County Jail Operations

April 28, 2025

Senator Beebe-Center, Representative Hasenfus and esteemed members of the Criminal Justice and Public Safety Committee:

My name is Tim Curtis, Somerset County Administrator, and President of the Maine Association of County Clerks, Administrators and Managers (MACCAM). In January of 2025, I was appointed by the Maine County Commissioners Association to serve on the County Corrections Professional Standards Council. I appear today to testify neither for nor against LD 852, and my goal is to provide information to this Committee about the Professional Standards Council, which has very direct relevance to the issues of county jail funding at issue in LD 852.

The County Corrections Professional Standards Council. Briefly, the Council is a seven member body established by the Legislature in 2022 and is made up of two members representing county commissioners, two members representing sheriffs, one member representing municipal government, the Commissioner of Corrections or the Commissioner's designee, and one other member of the DOC. The Council is tasked with three basic responsibilities: (1) rulemaking authority in the areas of financial reporting by counties related to jails; (2) authority to advise the Commissioner of Corrections on jail standards the Commissioner may adopt through rulemaking; and (3) advising the Governor with regard the portion of the biennial budget regarding county jail operations.

Council's budget advisory role. I want to focus on the Council's budget advisory role authority as it relates to county jail funding, which is the subject of LD 852. In the first year of operations for the Council, the Council formulated a budget request to the Governor in late 2023 for the FY25 Supplemental Budget. The initial request was for additional funding of \$11M beyond the \$20.4M required by law, and in response to this budget request, the Supplemental Budget included one-time funding of \$3.9M to help with the costs associated with Medically Assisted Treatment. In 2024, the Council developed a more detailed budget request to the Governor seeking additional funding of \$13.7M and \$14.2M for the current biennial budget to assist with costs associated to medical care, mental health care and MAT in the jails. The final biennial budget proposal ultimately included \$4M in additional funding, which funding was not included in the "Part One" budget approved by the Legislature in March. So, to state the obvious, the current budget does not meet the additional funding needs for county jails identified by the Professional Standards Council.

Council's financial reporting oversight role. LD 852 provides a framework for addressing county jail funding on a sustainable basis. LD719 presented to the Committee earlier this session by Representative Salisbury, provides another framework for sustainable funding for jails. The Professional Standards Council has discussed both, and in both discussions, the issue of financial

reporting by counties arose. As someone who has worked with counties regarding financial reporting regarding jails, including data provided by the Council, my observation is that good work is being done. In fact, I am pleased to observe that all counties are currently up to date within 60 days regarding their jail expenditure reporting to the Department. Another positive development is that, last month, the Department of Corrections came forward with a recommended reporting template, and the Council's finance committee has in the weeks since been working with the Department to refine the documents further.

Another area of positive cooperation relates to the annual report on county jail funding that the Department of Corrections is required to provide to this Committee every year by October 1. According to the law, which has been in place for over 8 years, the Department is required to consult with county commissioners and sheriffs in preparing this annual report. In this regard, the Department has started working with the finance committee of the Professional Standards Council to help the Department review and analyze the jail expenditure information that is on file with the Department as provided by counties through the Department's reporting programs – including CRAS & BARS. As this work continues, the hope is that the Department's reporting process will be streamlined and better information can be provided to this Committee in future annual reports to this Committee.

Council's jail standards advisory role. As noted earlier, the Council has responsibility to review jail standards proposed by the Commissioner of Corrections by rule, and provide advice to the Commissioner on these rules. This issue is addressed in one part of LD 852, and it is very relevant to a recent rulemaking undertaken by the Commissioner to update the operational standards applicable to county jails. In February, after a rulemaking process lasting several months, the Commissioner issued final updates to the standards governing county jails. This 135-page document now contains over 250 standards that each jail is to abide by. Not surprisingly, jail standards carry costs for counties, especially standards governing staffing levels, physical layout of jails, transportation policies, mandatory housing policies, and the like. The cost implication of jail standards is a key reason the Legislature gave the Council the formal role of advising the Commissioner on the adoption of such rules.

However, it is important to note that, despite the Legislature giving the Council this advisory authority, the mechanism by which this advice is sought and received has not been formalized. In fact, in the most recent rulemaking, the Council was advised that it could provide comment to the Commissioner during the public comment period like any other member of the public, which the Council provided. However, it is not clear whether this process reflects what the Legislature intended, including whether the Legislature intended that the Council have a more formalized advisory role beyond the provision of commentary during the public comment period. Going forward, the Council is in the process of drafting a more formalized process to discuss and advise in the Department's rule making. And to the extent this Committee is able to provide direction, it would be appreciated.

Conclusion. As this Committee reviews LD 852, LD 719, and other bills related to county jail funding and the workings of the Professional Standards Council, we think it is important this Committee give careful thought to the operations and structure of the County Corrections

Professional Standards Council. This Council has the ability to play an important role in advising on state support for county jails and the standards imposed by the Commissioner on county jails. But to be successful, the Council needs sufficient access to staff and resources to ensure it can do its job – including resources to draft, review, and adopt rules.

With that, I would be happy to answer any questions you may have, and thank you for continuing to engage in this ongoing discussion.

A handwritten signature in black ink, appearing to read 'T.C.', with a stylized flourish extending to the right.

Tim Curtis. Somerset County Administrator
Member, County Corrections Professional Standards Council

2024 MDOC Report on Jails

September 30, 2024



Pursuant to MRSA 34-A §1402(13), this document contains information on criminal justice and public safety matters relative to mandatory standards, policies and procedures for jails adopted pursuant to section 1208-B and the status of funding for the jails from the County Jail Operations Fund established in section 1210-D, county taxes and other sources.

Randall A. Liberty
Commissioner

Amthony Cantillo
Deputy Commissioner

Maine Department of Corrections
25 Tyson Drive
State House Station 111
Augusta, Maine 04333-0111



Maine Department of Corrections
2024 Report on Jails

The following report has been compiled by Steven French, Manager of Correctional Operations, Maine Department of Corrections, and Mitchell Boynton, Director of Corrections Service Center, Department of Financial and Administrative Services.

September 30, 2024.



Maine Department of Corrections 2024 Report on Jails

Jail Inspections and Licensing

34-A MRSA §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 and 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.

34-A MRSA §1208. STANDARDS FOR COUNTY AND MUNICIPAL DETENTION FACILITIES

2. Inspections. Inspections of county and municipal detention facilities are governed as follows.

A. The commissioner shall conduct a comprehensive inspection of each county and municipal detention facility every 2 years, in order to provide the department with information, verified by on-site inspection, regarding compliance with all department standards. The commissioner may dispense with this inspection if, when it is due, the facility is accredited by a nationally recognized correctional accrediting body. [2013, c. 27, §1 (AMD).]

STANDARDS FOR COUNTY AND MUNICIPAL DETENTION FACILITIES

The (Sixth Edition) of the Maine Department of Corrections Detention and Correctional Standards for Counties and Municipalities was promulgated in January 2024 pursuant to M.R.S.A. Title 34-A subsection 1208 and the State of Maine Administrative Procedures Act.

The purpose of these standards is to ensure legal obligations are adhered to, encourage best practices, mitigate agency liability and most importantly promote a safe environment for the public, staff and residents/detainees. They are based Federal Law, State Law, Case Law and national prevailing standards.

During the most recent update, standards were enhanced or implemented with emphasis placed on:

- Gender affirming
- Communications with attorneys
- Grievance process
- Transportation females for medical appointments
- Home release monitoring of DV offenders

DETENTION AND CORRECTIONAL STANDARDS FOR MAINE COUNTIES AND MUNICIPALITIES



STATE OF MAINE
DEPARTMENT OF CORRECTIONS
Inspections Division

Commissioner Randall Liberty
Steven French, Director of Correctional Inspections

January 1, 2024

Maine Standards for County and Municipal
Detention Facilities

January 1, 2024

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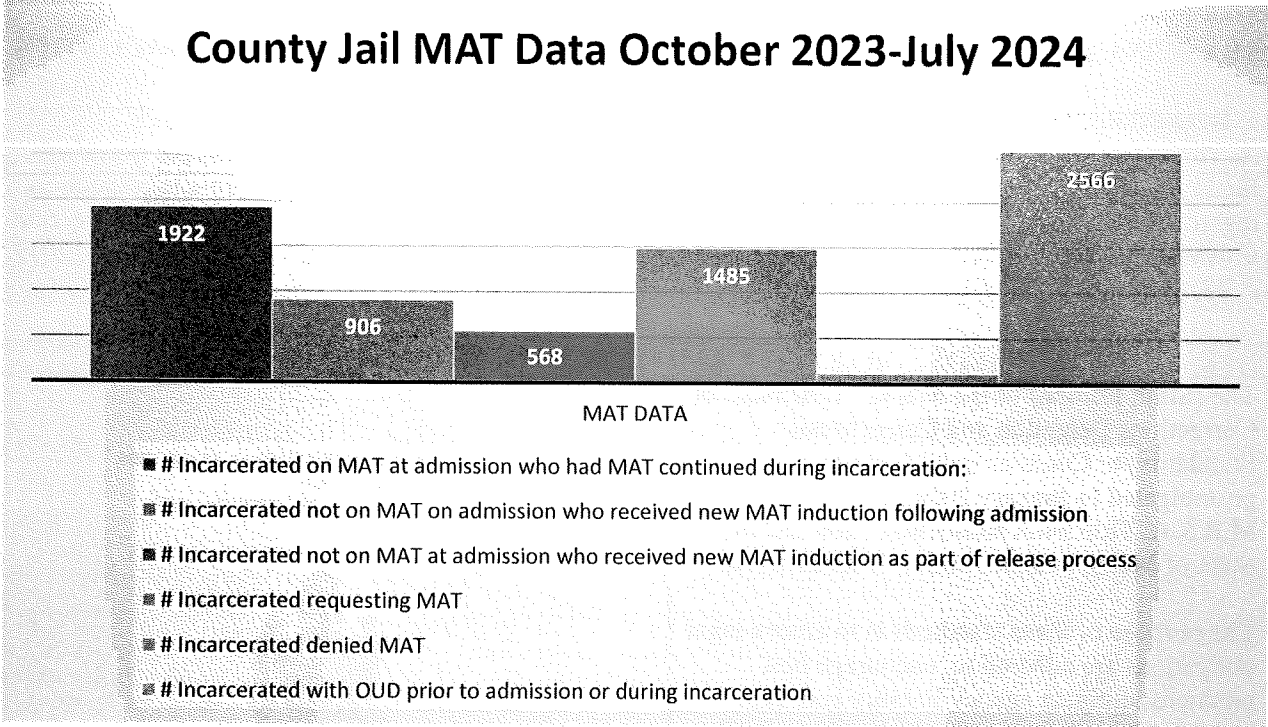
(Note: This is a 136-page document and a copy can be provided on request.)



Maine Department of Corrections
2024 Report on Jails

2024 Medication Assisted Treatment (MAT)

County jails report participation in the Medication Assisted Treatment programs to the Department of Corrections on a quarterly basis. The aggregate data for Quarter 4 2023 and Quarters 1 and 2 2024 is as follows:





Maine Department of Corrections 2024 Report on Jails

November 2023 to September 2024 Comprehensive Standards Inspections Completed

Facility	Inspection Date(s)	Mandatory Standards Score	Desirable Standards Score
York CJ*	11/15/23-11/16/23	95.2%	97.9%
Hancock CJ*	08/06/24-08/07/24	97.6%	97.9%
Oxford CJ*	09/11/24 – 09/12/24	100%	100%
Knox CJ*	08/28/24-08/29/24	100%	95.9%
Maine Coastal Regional Reentry Center**	02/28/24	100%	
Biddeford PD***	06/20/24	100%	
Bridgeton PD***	06/20/24	100%	
Brunswick PD***	02/06/24	100%	
Freeport PD***	06/20/24	100%	
Kittery PD***	06/20/24	100%	
Lisbon PD***	03/12/24	100%	
Old Orchard PD***	03/12/24	100%	
Saco PD***	02/06/24	100%	
Topsham PD***	06/20/24	100%	
Waterville PD***	06/24/24	100%	
Poland HS****	06/18/24	100%	
Camp Wavus****	04/18/24	100%	
Winthrop YMCA****	05/03/24	100%	

Legend

- * **Full-Service Jail:** 125 Mandatory Standards, 101 Desirable Standards (226 Total)
- ** **Minimum Security Residential Facility:** 24 Mandatory Standards
- *** **Short-Term Detention Area:** 28 Mandatory Standards
- **** **Alternative Sentencing Programs:** 12 Mandatory Standards

In addition to the Comprehensive Standards Inspections, over 20 site visits were conducted in response to constituent and resident complaints, in-custody deaths, requests for technical assistance and review of physical plant renovations and/or new construction.



Maine Department of Corrections 2024 Report on Jails

November 2023 – September 2024 County Jail Complaints

Explanation: When a resident has exhausted the internal grievance process at the facility in which they are incarcerated and still feels that standards violations still exist within the jail, they have the right to forward a letter of complaint to the Department of Corrections. When the letter is received, the complaint is investigated by DOC inspections staff to determine if in fact the jail has violated mandatory standards. If it is confirmed that they have, corrective action will be required of the jail. Third party constituents may also submit complaints on behalf of an incarcerated resident. The table (below) represents the data associated with the collection of those complaints.

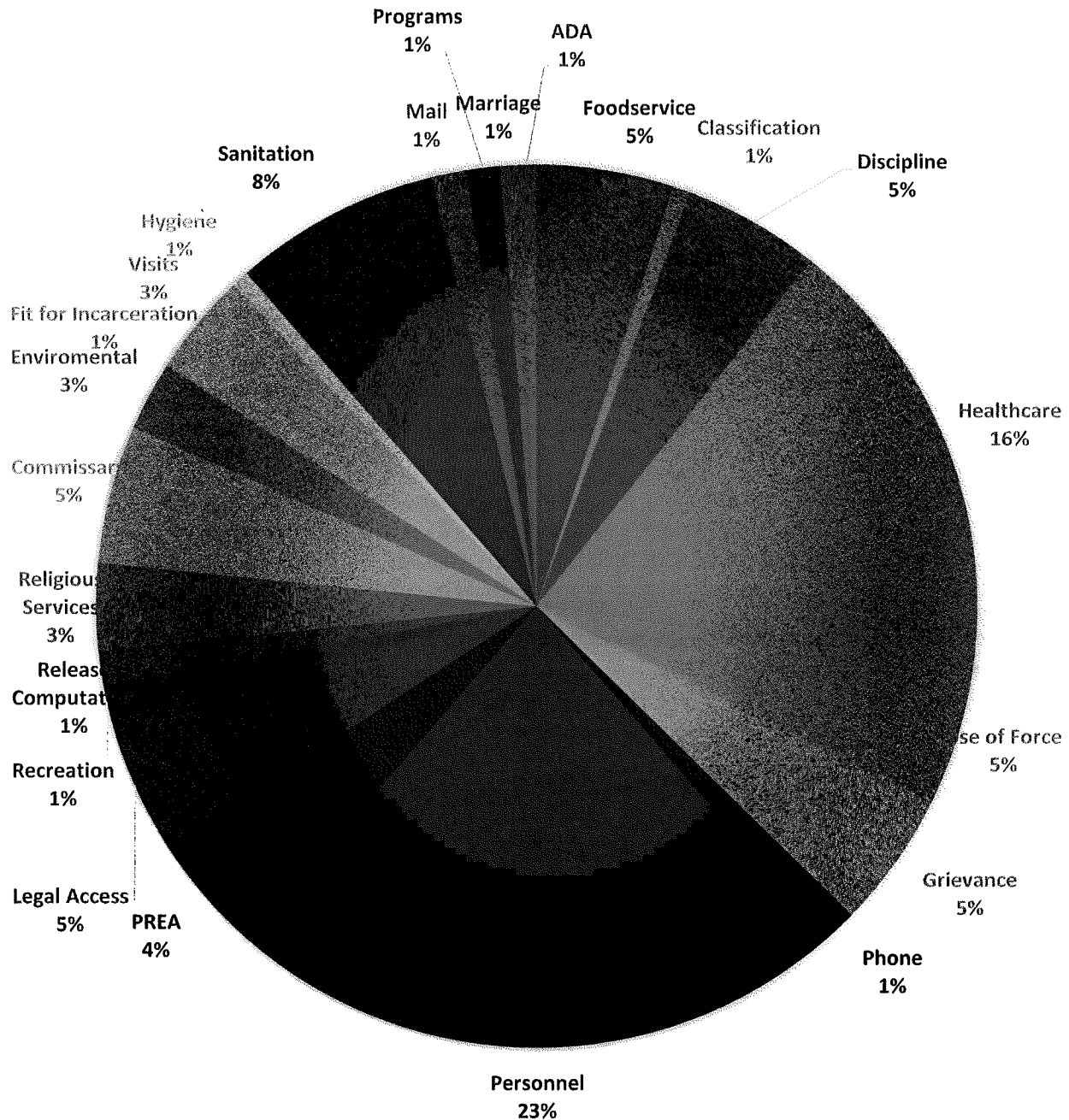
- In 2022, there were 83 complaints received by the Department for potential Jail Standards violations.
- The average written response time for each complaint in the reporting period was 17 days.
- Many complaints contained more than one subject. Each complaint letter is documented accounting for every subject item.

Foodservice	8	Religious Services	5
Classification	1	Commissary	8
Discipline	8	Environmental	4
Healthcare	26	Fit for Incarceration	1
Use of Force	8	Visits	5
Grievance	8	Hygiene	1
Phone	2	Sanitation	12
Personnel	36	Mail	2
PREA	7	Programs	2
Legal Access	8	Marriage	1
Recreation	2	ADA	1
Release Computation	2		



Maine Department of Corrections 2024 Report on Jails

11-2023 TO 9-2024 COMPLAINT LETTERS





**Maine Department of Corrections
2024 Report on Jails**

November 2023 to September 2024 In-Custody Death Reviews



Maine Office of the
Attorney General

Protocol for the Investigation of Deaths,
Probable Deaths, and
Missing Persons

C. Death while in custody or confinement

1. Jail, Holding Facility, Correctional Institution. The death or probable death of an individual while in custody or confinement in a jail, holding facility, or correctional institution, regardless of the likely cause, manner, and circumstances, is to be reported immediately to the Office of Chief Medical Examiner, the appropriate MCU, and the Operations Division of the Department of Corrections. These notifications are necessary for these agencies to carry out their responsibility of investigating the death to determine the cause, manner, and circumstances of death. The Operations Division of the Department of Corrections is responsible for conducting an investigation into the operational practices, policies, and procedures to determine compliance with required standards. The Attorney General's Office will thereafter review all investigative results.

Explanation: Pursuant to the Maine Office of the Attorney General's Protocol for the Investigation of Deaths, any detention facility that has an in-custody death is required to notify the Operations Division of the Department of Corrections. Once notification is received, a DOC Inspections Division staff performs an operational review of the circumstances leading up to the death to determine whether or not the agency's handling of the individual and/or situation violated mandatory standards. If it is determined that the agency was not compliant with prescribed standards, corrective action would be required.

November 2023 to September 2024 In-Custody Death Reviews Completed/ In Progress

Facility	Date Deceased
Androscoggin	11/18/23
York	02/06/24
Cumberland	03/22/24
Cumberland	04/10/24
Two Bridges	04/21/24
Somerset	05/21/24
Penobscot	08/16/24
Knox	09/13/24
Somerset	09/20/24
Aroostook	09/23/24

- In-Custody Deaths and/or Probable Deaths were up from last reporting period.
- 7 Deaths were Male Inmates and 3 was a Female Inmate.
- The average age for each of the deceased was 36.4 years of age.
- Causes of Death were as follows:
 - ❖ (5) Suicide/Attempted Suicide
 - ❖ (1) Natural
 - ❖ (4) Drug Related



Maine Department of Corrections 2024 Report on Jails

34-A MRSA §1210-D - County Jail Operations Fund Distribution & Formula Distribution Rule

In compliance with Sec. 23. 34-A MRSA §1210-D - County Jail Operations Fund distribution for Fiscal Year 2020 of the \$18,422,104 (Public Law 343 as authorized by the State of Maine legislature was as follows:

Under Sec. 2. 4 MRSA §1057, sub-§3-A - Reimbursement to counties and Sec. 23. 34-A MRSA §1210-D - County Jail Operations Fund; 5 Court Fines and Surcharges are distributed quarterly based on amounts collected. For the first quarter of FY17 the following was collected and distributed based on Rule 03 201 and the same methodology as applied to the \$12,202,104:

Prisoner Bed Days

Prisoner Bed Days, as prescribed by Public Law 335, reflects the number of inmates that *originated from a county* regardless of where they are housed. It represents the number of inmates from the "County of Origin". This is the statistic used in the funding formula as prescribed in Sec. 23. 34-A MRSA §1210-D - County Jail Operations Fund - 4. Formula; distribution – A:

County of Origin Bed Days	
County	FY24
ANDROSCOGGIN	65,233
AROOSTOOK	38,404
CUMBERLAND	94,262
FRANKLIN	10,746
HANCOCK	20,577
KENNEBEC	50,343
KNOX	14,340
LINCOLN	
SAGadahoc	
TBRJ	16,751
ME COASTAL REGIONAL REENTRY CTR	4,251
OXFORD	16,466
PENOBSCOT	83,714
PISCATAQUIS	4,642
SOMERSET	32,558
WALDO	18,823
WASHINGTON	13,007
YORK	59,493
Grand Total	543,610



Maine Department of Corrections 2024 Report on Jails

Status of Funding for the Jails; County Taxes Other Sources and Expenditures

The tables below represent Revenue and Expenditures reported by county jails through June 30, 2024 (FY24) in the CRAS (Corrections Reporting of Actuals System) on October 1st, 2024. The information below is unaudited and there are reporting inconsistencies (negative Other Revenues Lincoln and Sagadahoc, Franklin and Lincoln no reporting of a Tax CAP).

FY24 Revenue

County	Boarding	Community Corrections Rev	Court Fines & Surcharges	Federal Revenue	Jail Operations Fund	Jail Revenue	Other Revenue	Tax Cap	Grand Total
ANDROSCOGGIN	274,882	0	10,327	0	2,031,416	0	76,412	5,300,000	7,693,037
AROOSTOOK	0	0	8,519	0	1,761,163	0	253,891	3,138,409	5,161,983
CUMBERLAND	38,223	0	0	0	3,026,381	0	1,931	15,355,668	18,422,203
FRANKLIN	1,958	0	1,045	0	275,451	0	5,811	2,585,735	2,870,001
HANCOCK	0	142,524	3,204	343	570,097	38,036	75,732	1,991,355	2,821,292
KENNEBEC	0	497,000	4,666	0	1,491,322	244,533	461,202	7,803,151	10,501,874
KNOX	0	928,884	4,392	7,400	0	0	3,034	0	943,710
LINCOLN	0	216,225	0	0	0	0	-2,395,362	2,420,839	241,702
OXFORD	0	0	504	0	386,857	0	180	2,496,000	2,883,541
PENOBSCOT	545	0	13,657	0	3,205,532	22,800	14,845	8,104,608	11,361,987
PISCATAQUIS	413,820	0	0	0	216,011	0	1,107,382	450,495	2,187,708
SAGADAHOC	0	0	0	0	287,887	0	-2,314,614	2,657,105	630,378
SOMERSET	2,008,075	303,455	5,324	137,669	708,061	10,980	563,720	5,895,065	9,632,348
TWO BRIDGES	2,887,553	0	0	0	0	0	4,910,748	0	7,798,301
WALDO	0	0	0	0	0	0	0	0	0
WASHINGTON	0	0	2,595	0	312,306	0	83,010	2,000,525	2,398,435
YORK	0	0	12,838	0	2,590,436	0	808,436	9,519,039	12,930,749
Grand Total	5,625,056	2,088,088	67,072	145,412	16,862,920	316,349	3,656,358	69,717,995	98,479,250

FY24 Expense

County	Commodities	Community Corrections	Contractual	Furniture, Fixtures & Equipment	Salaries & Benefits	Grand Total
ANDROSCOGGIN	891,969	0	1,579,380	195,036	5,365,123	8,031,508
AROOSTOOK	655,756	0	1,102,545	55,000	3,482,364	5,295,665
CUMBERLAND	1,870,248	0	4,543,282	407,016	13,148,438	19,968,984
FRANKLIN	200,187	0	500,749	159,827	2,103,192	2,963,954
HANCOCK	384,170	0	268,026	0	2,427,543	3,079,739
KENNEBEC	648,800	0	3,197,501	176,794	6,179,437	10,202,533
KNOX	384,046	0	1,344,468	227,170	3,931,497	5,887,180
LINCOLN	21,160	0	176,581	20,820	468,788	687,348
OXFORD	319,987	0	953,526	12,358	2,060,197	3,346,068
PENOBSCOT	885,255	0	4,399,259	94,460	9,008,405	14,387,379
PISCATAQUIS	218,824	0	143,013	61,913	1,420,312	1,844,062
SAGADAHOC	29,284	0	117,446	47,219	372,727	566,676
SOMERSET	920,720	0	2,267,870	987,697	5,074,919	9,251,206
TWO BRIDGES	695,993	0	1,964,853	154,597	5,274,409	8,089,852
WALDO	248,234	-400	1,689,119	61,341	2,119,419	4,117,713
WASHINGTON	378,132	0	202,191	84,760	2,801,033	3,466,117
YORK	988,905	0	4,438,891	461,144	8,563,677	14,452,618
Grand Total	9,741,672	-400	28,888,700	3,207,151	73,801,479	115,638,602



Maine Department of Corrections 2024 Report on Jails



Our Mission: The mission of the Department of Corrections is to reduce the likelihood that juvenile and adult offenders will re-offend, by providing practices, programs and services which are evidence-based and which hold the offenders accountable.

BOC Actuals Analysis

For FY:2025

Reports only through last month submitted for each county

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Budget Information for FY 2016 and beyond presented in This Report HAS NOT Been Approved By The State Of Maine, and IN NO WAY Creates An Obligation To The State. IT IS FOR REFERENCE PURPOSES ONLY.

	Budgeted	Actual Rev/Exp	Difference	% Difference Remaining	Rept'd Through
ANDROSCOGGIN					
EXPENSE	\$9,255,050.00	\$7,070,135.00	\$2,184,915.00	23.61%	March
REVENUE	\$9,255,050.00	\$6,344,146.00	\$2,910,904.00	31.45%	March
AROOSTOOK					
EXPENSE	\$5,944,091.00	\$4,225,993.83	\$1,718,097.17	28.90%	March
REVENUE	\$5,944,091.00	\$4,093,375.30	\$1,850,715.70	31.14%	March
CUMBERLAND					
EXPENSE	\$20,869,148.00	\$14,452,126.00	\$6,417,022.00	30.75%	February
REVENUE	\$20,869,148.00	\$13,300,062.00	\$7,569,086.00	36.27%	February
FRANKLIN					
EXPENSE	\$3,166,309.00	\$2,277,339.30	\$888,969.70	28.08%	March
REVENUE	\$3,166,309.00	\$3,280,769.96	(\$114,460.96)	-3.61%	March
HANCOCK					
EXPENSE	\$3,945,995.00	\$2,223,644.12	\$1,722,350.88	43.65%	March
REVENUE	\$3,945,995.00	\$2,457,835.03	\$1,488,159.97	37.71%	March
KENNEBEC					
EXPENSE	\$13,051,049.00	\$9,161,570.93	\$3,889,478.07	29.80%	March
REVENUE	\$13,051,049.00	\$15,008,308.06	(\$1,957,259.06)	-15.00%	March
KNOX					
EXPENSE	\$6,081,226.00	\$8,151,693.46	(\$2,070,467.46)	-34.05%	March
REVENUE	\$5,983,714.00	\$1,382,254.13	\$4,601,459.87	76.90%	March
LINCOLN					
EXPENSE	\$879,693.00	\$373,249.44	\$506,443.56	57.57%	March
REVENUE	\$879,693.00	\$408,185.98	\$471,507.02	53.60%	March
OXFORD					
EXPENSE	\$5,261,893.00	\$3,017,242.12	\$2,244,650.88	42.66%	March
REVENUE	\$5,261,893.00	\$609,345.25	\$4,652,547.75	88.42%	March
PENOBSCOT					
EXPENSE	\$15,366,456.00	\$12,084,443.00	\$3,282,013.00	21.36%	March
REVENUE	\$15,366,456.00	\$8,866,525.00	\$6,499,931.00	42.30%	March
PISCATAQUIS					
EXPENSE	\$2,113,535.00	\$1,469,927.57	\$643,607.43	30.45%	March
REVENUE	\$2,113,535.00	\$1,708,768.21	\$404,766.79	19.15%	March
SAGadahoc					
EXPENSE	\$649,937.00	\$341,020.31	\$308,916.69	47.53%	February
REVENUE	\$649,937.00	\$233,032.86	\$416,904.14	64.15%	February
SOMERSET					
EXPENSE	\$11,712,406.00	\$7,663,740.36	\$4,048,665.64	34.57%	March
REVENUE	\$11,712,406.00	\$7,738,962.04	\$3,973,443.96	33.93%	March

BOC Actuals Analysis

For FY:2025

Reports only through last month submitted for each county

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	Budgeted	Actual Rev/Exp	Difference	% Difference Remaining	Rept'd Through
TWO BRIDGES					
EXPENSE	\$8,910,542.00	\$5,880,781.27	\$3,029,760.73	34.00%	February
REVENUE	\$8,910,542.00	\$5,436,961.13	\$3,473,580.87	38.98%	February
WALDO					
EXPENSE	\$4,516,469.33	\$2,796,319.00	\$1,720,150.33	38.09%	March
REVENUE	\$0.00	\$4,829,150.69	(\$4,829,150.69)	0.00%	March
WASHINGTON					
EXPENSE	\$3,878,184.00	\$2,887,332.56	\$990,851.44	25.55%	March
REVENUE	\$3,878,184.00	\$1,927,403.05	\$1,950,780.95	50.30%	March
YORK					
EXPENSE	\$13,532,000.00	\$10,049,992.69	\$3,482,007.31	25.73%	March
REVENUE	\$13,532,000.00	\$5,405,246.00	\$8,126,754.00	60.06%	March
<hr/>					
Total Expense:	\$129,133,983.33	\$94,126,550.96	\$35,007,432.37	27.11%	
Total Revenue:	\$124,520,002.00	\$83,030,330.69	\$41,489,671.31	33.32%	