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TESTIMONY OF

ANTHONY CANTILLO, DEPUTY COMMISSIONER MAINE DEPARTMENT OF CORRECTIONS

April 28, 2025

In Opposition to:

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

Senator Beebe-Center, Representative Hasenfus and distinguished members of the Joint Standing Committee on Criminal Justice and Public Safety, I am Tony Cantillo, Deputy Commissioner for the Maine Department of Corrections (DOC) providing testimony today in opposition to LD 852, An Act to Reduce the Property Tax Burden by Adequately Funding County Jail Operations.

This bill is a similar proposal to LD 719, in that it aims to increase the State portion of funding support for the county jails. While LD 719 simply increased the State's share of funding for the county jails from \$20.4 million to 35% of the total cost of operating the county jails, this bill takes a slightly different approach, as shown below. Under current law, state funding is required to be appropriated annually for county jail operations in the amount of \$20,342,104 (34-A MRS §1210-E(2)). That amount was last updated in 2022. LD 852, before you today, does the following:

- It amends the statutory amount (34-A MRS §1210-E(2)) to provide that, beginning July 1, 2025 and prior to July 1, 2026, state funding must be appropriated annually for the fund in the amount of \$25,445,838. Beginning July 1, 2026, state funding must be appropriated annually for that fund in an amount equal to 20% of the total General Fund appropriation to the Department of Corrections for the costs of all correctional facilities under the department.

The fiscal impact under this provision would be as shown below:

2024-25	2025-26	2026-27	2027-28	2028-29
0	5,103,734	866,329	866,329	866,329

- It provides that, in addition to the state funding requirements for the County Jail Operations Fund, beginning July 1, 2026, State funding must be appropriated annually for the fund in an amount equal to 90% of the costs incurred by county jails and the regional jails in the prior fiscal year in complying with the mandatory standards established by the Commissioner of Corrections.

The fiscal impact under this provision is not possible to determine without more information.

- It amends the law establishing the County Corrections Professional Standards Council to provide that administrative services costs associated with the activities of the council must be paid by the department.

The fiscal impact under this provision will be based on the level of administrative support determined appropriate by the Legislature. DOC recently began providing \$30,000 in annual support for CCPSC administrative costs.



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The Administration's position on this proposal remains the same as it did on LD 719, we cannot support the increase in funding outlined in this proposal for two primary reasons: (1) Lack of available fiscal resources; (2) Lack of data to support the increase as proposed. This bill also presents further complications due to lack of clarity in how we're expected to calculate "an amount equal to 90% of the costs incurred by county jails and the regional jails in the prior fiscal year in complying with the mandatory standards established by the Commissioner of Corrections." Who is responsible for determining that amount? If it's supposed to be based on the data provided to the administration by the counties, that data should, at the very least, break out some calculation of those expenses. The data we currently receive does not provide enough insight to properly evaluate those costs.

Following the public hearing on LD 719, this committee directed the department and county representatives to get a group together that can work toward better evaluating county jail funding needs and how the state can better support the counties in making their budget submissions. That group has been meeting regularly and working to clarify exactly what information is needed in both the short and long term for the administration to better evaluate county funding requests. Our experience with that group so far has been very positive. The group is working productively, and we have already created a template to assist with budget submissions related to medication assisted treatment. However, there remains a lot of work to be done before the group is ready to report back to this committee. For that reason we would recommend that the committee allow the group to continue that work before taking further action on this or other proposals related to increasing the State portion of county jail funding.

Importantly, this bill also addresses an issue not addressed in LD 719. It requires the Commissioner of Corrections to not just consider, but instead to actually incorporate, the input of the County Corrections Professional Standards Council when adopting jail standards. The department opposes this. The main purpose of the jail standards is to ensure that the jails adhere to certain requirements that the legislature has put into statute, including both specific requirements, such as the ones related to substance use disorder, and more general ones, such as the best practices requirement, with the discretion left to the commissioner to fill in the details in a way that reflects his best judgment after receiving input from a multitude of parties. The commissioner should not be forced to adopt the views of one party, to the exclusion of what the legislature requires, the views of other parties, and his own judgment. There is also no indication in the bill as to what the commissioner is to do if the members of the council cannot themselves agree. Finally, requiring the commissioner to adopt the standards that the council wishes would circumvent the rulemaking process, which is designed to also allow for consideration of input from the general public and all interested parties, not just those regulated by the rules.

For the reasons stated above, the Department respectfully presents this testimony in opposition to this proposal.

This concludes my testimony.

I am happy to answer any questions.

Anthony Cantillo
Deputy Commissioner
Maine Department of Corrections