



Maine County Commissioners Association

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

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Chair Beebe-Center, Chair Hasenfus, and Members of the Joint Standing Committee on Criminal Justice and Public Safety. My name is Andre Cushing, I'm a county commissioner for Penobscot County, and I come before you today in my role as President of the Maine County Commissioners Association. Today, I am here to speak in support of LD 852. We support any legislative approach that equitably and sustainably increases state contributions to county jail operation.

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 852 do? LD 852 proposes measures to alleviate the financial strain on property taxpayers by ensuring sufficient state funding for county jail operations. The bill mandates that jails operate in accordance with best practices and standards established by the commissioner, incorporating input from the County Corrections Professional Standards Council. Key requirements include coordination of inmate transportation, access to comprehensive substance use disorder services, provision of mental health treatment, availability of community programs and services, and training for facility staff and healthcare practitioners

Why we support this bill in addition to LD 719. We previously submitted testimony in strong support of LD 719, sponsored by Rep. Salisbury. 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. We appreciate the Legislature's efforts to explore and implement alternative mechanisms to modernize and enhance the state's role in funding county jails, ultimately reducing the financial burden on local taxpayers. The Maine County Commissioners Association supports any legislative approach that equitably and sustainably increases state contributions to county jail operations, ensuring the long-term viability of these essential facilities while upholding public safety and fiscal responsibility.

Realities outside the control of county jails are causing jail operating costs to escalate. 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.

Despite the important statewide interests served by county jails, the State has historically underfunded their operations. 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.

State support for county jails has declined, putting a greater burden on local property taxpayers. Fundamentally, this bill is about property tax relief for Maine people. According to the numbers below, Maine state government has provided financial support for about 20% of the operating costs of county jails, and less in recent years. In this year’s biennial budget proposal from the Governor, the support would get as low as 17% in FY27. That means that, by 2027, local property taxpayers will be picking up 83% of the cost of county jail operations.

	FY20	FY21	FY22	FY23	FY24	FY25	FY26	FY27
County Jail Operating Costs	\$90.6M	\$90.8M	\$97.6M	\$108M	\$115.5M	\$127.2M ¹	\$132.3M ²	\$137.6M ³
State Funding	\$18.5M	\$18.5M	\$20.4M	\$20.4M	\$20.4M	\$24.4M	\$24.4M	\$24.4M
State Funding %	20%	20%	20%	18%	17%	19%	18%	17%

Notably, under the “Part One Budget” adopted on March 19th, state support for county jails is even less than the chart above indicates. In particular, that budget would provide only \$20.4 for each year of the biennium, which would translate into just **15.4%** state support in FY26, and **14.8%** state support in FY27.

LD 852 would increase the state share of jail operating costs, reducing burdens on local property taxpayers. The purpose of LD 852 is to have the State pick up its fair share of county jail funding so that local property taxpayers can get needed relief. If the state share goes up, the local share goes down.

LD 852 adjusts state support for county jails partly commensurate with increases in costs by the Department of Corrections to fund the state prison system. Under LD 852, a portion of the support that the state would provide for county jail operations would be based on a percentage of state costs for operating the state prison system. So, as costs for operating the prisons goes up, state support for county jails would go up proportionately. However, it is important to note that, in recent years, state prison costs have been going up at a faster pace than county jail costs, even though the population of residents in the

¹ This figure is based on FY25 budget projections.

² This is an estimated figure based on a 4% increase from FY 25 operating costs.

³ This is an estimated figure based on a 4% increase from estimated FY 26 operating costs.

state prison system is relatively stable, whereas the population of county jails experiences tremendous turnover.

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 fact, there are nearly 250 jail standards currently in place under rules adopted by the Maine Department of Corrections in a document exceeding 136 pages.⁴ These standards do not come with state funding, and none were adopted with a mandate preamble by the Maine Legislature.

MCCA believes that jail standards established by the Commissioner of Corrections should incorporate the advice of the County Corrections Professional Standards Council. The County Corrections Professional Standards Council⁵ is a legislatively created body established in 2021. The Council is comprised of seven (7) members: two county commissioners, two sheriffs, the Commissioner of Corrections, a designee of the Commissioner, and a representative from the Maine Municipal Association.⁶ A key role of the Council is to develop budget recommendations for the Department of Corrections and the Governor as part of the biennial budget process. The Council was also accorded authority to review and provide advice on operating standards on county jails being considered by the Commissioner of Corrections. Since the Council was first established several years ago, the Commissioner has adopted new jail standards on one occasion, which rules became effective on March 24, 2025. In this instance, the Commissioner made a number of recommendations for new jail standards, heard input from the Standards Council, and ultimately adopted final rules considering some but not all of the Council’s advice. Many of the new standards imposed new costs and duties on county jails, but without any new support from the state to pay for these unfunded mandates.

To address the concern that the Commissioner is not required to accept the input of the Council in adopting jail standards, Section 1 of the bill seeks to amend 34-A MRSA §1208-B, sub-§4 to make the following change: “In adopting rules and standards for the jails, the commissioner shall ~~consider~~ incorporate the advisory input of the County Corrections Professional Standards Council” If such a change is adopted, the risk of unfunded mandates being imposed on county jails and county taxpayers would be greatly reduced.

However, if the Committee is not comfortable with making this change in the authority of the Council, we would encourage the Committee to work with the Standards Council and the Department to ensure a more formalized role for the Council in any rulemaking by the Commission to set county jail standards. To date, no such procedures are in place, and having clear procedures are important to ensuring that the Council’s important advisory role can be properly carried out.

Conclusion. We appreciate the opportunity to provide testimony in strong support of this bill. If adopted, LD 852 would ensure that state funding for county jail operations is more in line with the costs

⁴ <https://www.maine.gov/corrections/sites/maine.gov.corrections/files/inline-files/Adopted%20DETENTION%20AND%20CORRECTIONAL%20STANDARDS%20FOR%20MAINE%20COUNTIES%20AND%20MUNICIPALITIES%20CLEAN.PDF>

⁵ <https://legislature.maine.gov/statutes/34-a/title34-Asec1210-F.html>

⁶ <https://www.maine.gov/corrections/ccpsc#:~:text=The%20County%20Corrections%20Professional%20Standards%20Council%2C%20established%20in,of%20programs%20and%20services%20required%20pursuant%20to%20sect>

and duties imposed on counties by state government. Such boost in state funding will also help reduce the burden on local property taxpayers who are currently asked to pay between 80-85% of county jail costs in the next biennium if the law remains unchanged. If you have questions or need additional information, please do not hesitate to let us know.