



HOUSE OF REPRESENTATIVES

1

2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002
(207) 287-1440
TTY: (207) 287-4469

John "Jack" E. Ducharme III

34 Heald Street
Madison, ME 04950
Cell: (207) 431-0775
Jack.Ducharme@legislature.maine.gov

LD 852

An Act to Reduce Property Tax Burden by Adequately Funding County Jail Operations

Senator Beebe-Center, Representative Hasenfus and honorable members of the Joint Standing Committee on Criminal Justice and Public Safety. I am Jack Ducharme and I have the honor of representing the citizens of Maine House District 71 which includes the towns of Cornville, Norridgewock, and Madison in Somerset County. Today I am here to introduce LD 852, An Act to Reduce Property Tax Burden by Adequately Funding County Jail Operations.

In Maine, county jail funding is a shared responsibility between the state and the counties. The state contributes to the County Jail Operations Fund, which is used to support jail operations. The state's contribution is calculated based on a minimum amount, a percentage of total jail operating costs, or a per-inmate daily rate, with the highest amount being used. The state sets a minimum annual funding level for the County Jail Operations Fund. For fiscal years 2019-2020 and 2020-2021, this was at least \$18,442,104 or 20% of the previous year's total jail operating costs, whichever was higher. That number has risen to \$20,342,104 per year in the 2026-2027 biennial budget.

It is no secret that funding for County Jail operations has been a problem for many years. In researching the history of jail funding, I was able to go back to what happened during the Baldacci administration. In 2007, facing increasing costs of running county jails, overcrowding at Maine State Prison and other fiscal issues, Governor Baldacci proposed a plan to consolidate state and county corrections into a "unified" correctional system. The plan called for the creation of a nine-member Board of Corrections that would develop and implement this system. After about 5 years of trying this "unified" system, county administrators were back at the table asking for changes to the system. The Board of Corrections had little power, the counties continued to operate the jails, some running up deficits while others resisted BOC efforts to rationalize and consolidate operations.

By 2013, it was clear the system was not working as proposed. According to the Portland Press Herald in June 2013;

"When the legislators formed the State Board of Corrections in 2008 to oversee the state's 15 county jails, they hoped a consolidated jail system could be run more efficiently and provide more programs aimed at decreasing the number of inmates. But

District 71
Cornville, Madison, and Norridgewock

five years later most of those goals remain only partially realized as the board flounders under the weight of muddled authority and unrealized funding promises from the state. Some county jail officials are now loudly objecting to the lack of funding and turning away inmates in protest."

After several years of trying to continue to make the Board of Corrections model work, in 2015, under Governor Paul LePage a new system was proposed. LePage proposed eliminating the board's \$6.5 million operations fund. He proposed either a complete state takeover of the jails or returning complete control of the facilities back to the counties. The Legislature's Criminal Justice and Public Safety committee voted 6-4 in favor of a county-controlled jail system, bolstered by some state funding.

On the attached handout, you can see the state funding of County Jail Operations since 2015. You can see that in the 2016-2017 biennium, the state share of county jail operations was supported in the first year by some one-time funds from an OSR in the first year, but those funds were dropped out of the second year. In the 2018-2019 biennium, an additional allocation was added bringing the total annual allocation to \$18,442,104 to be divided among the states 14 county and regional correctional facilities. That level of funding remained static until the 2021-2022 biennium when an additional \$1.9 million was added, making the total \$20,342,104 per year, again to be divided up between the counties. That funding level remains the same in the 2026-2027 biennial budget. Any inflation of jail operating costs has been born by the local property taxpayers in a system that the taxpayer has little control over.

The State of Maine, Department of Corrections sets the standards for operations in the County Jails. The State of Maine, in 2023, instituted a MANDATE that all county jails must provide Medication Assisted Treatment (MAT) for inmates suffering from substance abuse addiction. Constitutionally, the State is required to fund at least 90% of the cost of any mandate imposed on other political subdivisions. The cost of this MAT to the counties in the last year was over \$13 million. The State agreed to fund \$4 million or 30% of the cost. While the results show that MAT is effective, it cannot continue to be underfunded by the State of Maine. The local property taxpayers have picked up the unfunded mandate costs of this program where there were not federal grants to assist. This must stop. We all know that the federal grants may not continue. We also all know that the local property taxpayer is stretched to the max.

Many task forces, committees and administrations have tried to address the problems of jail funding with little success. My bill proposes to set the funding at a true 20% of the total general fund allocation of the Department of Corrections. This 20% would be supported by the work of the County Corrections Professional Standards Council. The CCPSC should gather the county jail costs on an annual basis using a consistent format to provide ease of use for all. Once that data is gathered, the Council will provide the Commissioner and the Administration with an annual report of those costs to support the continued allocation of the funding level in future budget cycles. Counties that refuse to provide the cost data on a regular consistent basis may face allocation reductions if funds are not supported by costs. Funds allocated to the County Jail Operations Fund shall not lapse but must be paid out to cooperating counties.

LD 852 further requires that beginning July 1, 2026, state funding **MUST** be appropriated to fund an amount equal to 90% of any mandatory standards or DOC required operations. I would suggest that we might consider amending the bill to say that if the 90% constitutionally mandated funding threshold is not or cannot be met, any mandate must be rescinded.

Section 1, subsection 4 requires that the Commissioner incorporate the advisory input of the County Corrections Professional Standards Council in adopting rules and standards for County Jails. Currently the Commissioner must only consider the advisory input before making rules. In some cases that consideration might not include local issues that create difficulties for some county jail operations.

Maine's county jails are the emergency rooms of the state's criminal justice system. They are typically the first responders for those who are entering the criminal justice system. They must triage entrants into the system to determine if there are public safety threats, mental health issues, addictions, and other medical conditions. Often, county deputies must take inmates to the hospital and remain there while the person is evaluated and treated. Many must be taken to court multiple times for hearings, all accompanied by a deputy.

Statewide, county jails take in up to 30,000 individuals per year. About half of those stay for at least 72 hours or for several months while waiting for the judicial system to process their case. The other half can post bail and be released. Those that do not post bail must be provided with medical care, mental health care and medically assisted treatment for substance abuse.

Maine's county jail cumulative budgets for the coming year are approximately \$129,000,000 with 80% of that total coming from local property taxpayers. The average county jail population in aggregate across the state is between 16-1,800 at any given time. Labor costs for the jails run about 63% of the total while 16% are for medical treatment. Inmates lose MaineCare coverage at the time of arrest, so the property taxpayer picks up the cost until the individual is remanded to the custody of Maine Department of Corrections. ME DOC has its own medical system for the inmates incarcerated paid for by all Maine taxpayers through a General Fund allocation.

If the county jails are the emergency rooms of the corrections system, the Maine State Prison system is the long-term care section. By the time that many of these individuals are committed to the custody of Maine Department of Corrections, many of the emergent issues that are presented at the time of arrest have been dealt with. Due to the well-known delays with our judicial system, many are sitting in county jails for months and in several cases years, waiting for either a court date or waiting for representation by an attorney. During that time, the county jail system deals with all their issues, usually at the local property taxpayer's expense.

Maine Department of Corrections has a capacity of about 2,800 but a current population of roughly 1,800. They are also responsible for several hundred individuals that are on probation across the State of Maine. If you subtract \$20,342,104 from \$252,051,995,

the ME DOC General Fund allocation in the 2025-2026 budget, that leaves roughly \$232 million to feed, clothe, house and keep secure roughly 2,000 individuals. That comes to about \$116,000 per inmate per year. This does not include any Federal or OSR funds that come in to ME DOC. Compare that to the county numbers: \$129 million per year to deal with roughly 15,000 individuals annually or about \$8,600 per person. If you want to take just the current population of county jails of about 1,800 that comes to \$72,000 per person. The numbers suggest that it is cheaper for Maine taxpayers to keep inmates in county jails for 60% less money. Something does not seem right about that fiscal picture.

County jails have little ability to stop the flow of individuals placed in their care. County officials must creatively fund this unpredictable activity. The local taxpayer has no say in the operations of jails or the state's role in setting corrections standards or mandates. It is critical that we find an answer to this seemingly insoluble problem. Setting a fixed amount of funding based on a percentage of the total General Fund allocation of ME DOC will get Maine closer to a solution to this funding issue. ME DOC and county jails must comply with the same standards so the operations funding stream through ME DOC should be consistent with the needs of corrections at the county and regional level.

I would ask you to vote Ought to Pass on LD 852 to help our local property taxpayers bear the burden of maintaining civil society in our state. The continual search for funds to meet the obligations of Maine's correctional system costs a great deal of time and energy for many county officials. I am sure that county sheriffs have lots of other really important things to do. Establishing baseline costs through the County Corrections Professional Standards Council will help keep those costs in line now and in the future. Providing consistent baseline funding from all Maine taxpayers will help. Ensuring that state mandates are paid at 90% will help. We can fix this, but it will take effort and cooperation from all.

Thank you for your time and I am happy to attempt to answer any questions that you might have about this proposal.

Cordially,

Jack Ducharme

County Jail GF Allocations								
		General Fund Allocation	Increase(decrease)	Percent	Additional Allocations			
2026-2027 Biennium	2026-27	\$ 20,342,104	\$0.00	0.00%				
	2025-26	\$ 20,342,104	\$0.00	0.00%				
County Jail MAT \$\$								
2024-2025 Biennium	2024-25	\$ 20,342,104	\$0.00	0.00%	\$ 4,000,000	OSR - MAT	Not included in GF Total Allocation	
	2023-24	\$ 20,342,104	\$0.00	0.00%				
2022-2023 Biennium	2022-23	\$ 20,342,104	\$0.00	0.00%	\$ 1,900,000	Included in Total Allocation		
	2021-22	\$ 20,342,104	\$1,900,000	10.30%	\$ 1,900,000	Included in Total Allocation		
2020-2021 Biennium	2020-21	\$ 18,442,104	\$0.00	0.00%	\$ 3,000,000	Included in Total Allocation		
	2019-20	\$ 18,442,104	\$0.00	0.00%	\$ 3,000,000	Included in Total Allocation		
2018-2019 Biennium	2018-19	\$ 18,442,104	\$ 3,120,000	20.36%	\$ 3,000,000	Jail standards Allocation		
	2017-18	\$ 15,322,104	\$ 3,120,000	25.57%	Included in Total Allocation			
2016-2017 Biennium	2016-17	\$ 12,202,104	\$ (2,465,896)	-16.81%				
	2015-16	\$ 14,668,000			\$ 2,465,896	OSR One time funding add		

County Jail			
GF Allocation Change			
2016-2027	\$	5,674,104	38.68%
GF Allocation Change			
2018 - 2027	\$	1,900,000	10.30%