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TESTIMONY OF

**JILL O'BRIEN, DIRECTOR OF GOVERNMENT AFFAIRS
MAINE DEPARTMENT OF CORRECTIONS**

March 4, 2026

In Opposition to:

LD 2058 (March 4, 2026 Amendment), An Act to Require Municipal and County Jails to Be Available at All Times for Detention of Persons Arrested on Criminal Charges by Maine Law Enforcement Officers

Senator Beebe-Center, Representative Hasenfus, and distinguished members of the Criminal Justice and Public Safety Committee, my name is Jill O'Brien, and I am the Director of Government Affairs for the Maine Department of Corrections.

I am testifying today in opposition to LD 2058, An Act to Require Municipal and County Jails to Be Available at All Times for Detention of Persons Arrested on Criminal Charges by Maine Law Enforcement Officers, as proposed to be amended by the sponsor and presented to the Committee today.

The amendment makes it so that instead of county jails having to be available for holding anyone arrested by law enforcement, county jails will only be required to hold individuals "on criminal charges and supported by probable cause[.]" This would mean that county jails would not have to accept individuals arrested for violating probation. Many probation violations are not also charged as new criminal conduct, so jails would not be required to hold these individuals, because they are not being held "on criminal charges and supported by probable cause."

This change would mean that someone from Northern or Western Maine who is arrested for a probation violation there would have to be taken to a state correctional facility (Windham or Warren), rather than staying at the local jail. The person would have to be transported back and forth to court from the state correctional facility, for an initial appearance on the probation revocation motion and for further probation proceedings. This change would be disruptive to the lives of those individuals facing probation violations and would burden the courts, the Department's probation system, and the Department's correctional facilities. It is unclear what the fiscal impact from this would be on the Department's budget.

This bill also appears to relieve county jails from holding anyone found incompetent to stand trial or not criminally responsible (as they would no longer be facing "criminal charges" once those charges are dismissed). There is insufficient space in the 30-bed Intensive Mental Health Unit at Maine State Prison for such individuals, and while the Department of Health and Human Services works to accept some of those individuals at Riverview Psychiatric Hospital or Dorothea Dix Psychiatric Center, this bill would in effect force immediate transfer of individuals found incompetent to stand trial or not criminally responsible to one of those facilities or to an emergency room from a county jail, without ensuring an available bed or appropriate mental health and medical treatment planning.

Thus, I urge you to vote Ought Not to Pass on LD 2058. I am happy to answer any questions. Thank you.

Jill O'Brien
Director of Government Affairs, Maine Department of Corrections